

ROYAL COMMISSION ON ABORIGINAL PEOPLES

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Montreal, Quebec

The hearing began at 9:15 am on Monday, November 15, 1993.

CO-CHAIR RENÉ DUSSAULT: Good morning. I would like to welcome you all this morning to this opening session of a week-long round of hearings of the Royal Commission on Aboriginal Peoples here in Montreal. This is the fourth and last round of public hearings. We will be holding a full week of hearings here in Montreal and will return on November 29 for another week.

Before I present the agenda, I would like to call on John Curotte, a Mohawk Elder from Kahnawake, to say the prayer.

[English]

CO-CHAIR RENÉ DUSSAULT: Thank you.

I would just like to remind anyone who needs one that interpretation headsets

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are available at the back. Perhaps someone could check whether Mr Curotte needs a headset.

Welcome once again, and without further ado I would like to introduce Viola Robinson, who is here with me this morning as a commissioner. Before she joined the Royal Commission on Aboriginal Peoples when it was created in the fall of 1991, Viola Robinson was chairwoman of the Native Council of Canada.

I would also like to introduce myself: my name is René Dussault and I am a judge with the Quebec Court of Appeal.

I am also co-chair of the Royal Commission along with Georges Erasmus, former chief of the Assembly of First Nations of Canada.

The Commission has seven members: four Aboriginal people and three non-Aboriginal people. Georges Erasmus and Viola Robinson are of course Aboriginal. The other Aboriginal members are Mary Sillett, an Inuk from Labrador, and Paul Chartrand, a Métis from Manitoba).

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The non-Aboriginal members besides myself are Bertha Wilson, who has been a justice of the Supreme Court of Canada for 10 years and was the first woman appointed to the Supreme Court of Canada, and Peter Meekison from Alberta, who is a professor at the University of Alberta in Edmonton and worked for many years in intergovernmental relations with the Alberta government, particularly during the constitutional negotiations.

This morning, the Royal Commission is beginning two weeks of hearings in Montreal. These hearings are part of the fourth and final round of public hearings that began a year and a half ago in April 1992 in Winnipeg. This last round began in Ottawa two weeks ago, when we heard from national Aboriginal organizations, in particular the Assembly of First Nations, the Inuit Tapirisat of Canada, the Métis National Council, the Native Council of Canada and the National Native Women's Association, as well as briefs from many non-Aboriginal organizations.

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This week the Commission is divided into three panels. Viola Robinson and I are here in Montreal. Georges Erasmus and Paul Chartrand are in Vancouver this morning and will be in Winnipeg and Toronto the rest of the week for more hearings. Peter Meekison and Mary Sillett are in Ottawa listening mainly to the Canadian organizations that were asked to think about the relationship between Aboriginal people and other Canadians.

I would like to take this opportunity this morning to give an update on the Commission's work, to tell about what you can expect in the Montreal hearings, and to say a few words about what I consider to be the main issue in these hearings.

The Commission is at a crucial stage in its work.

As I just said, two weeks ago in Ottawa we heard from several national organizations and continued on with a hearing that included representatives from all of Canada's mission churches, the churches that were first to come into contact with the Aboriginal people: the Catholic church, the Anglican church, the Presbyterian church and the United church.

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The mission churches left a strong impression on Aboriginal children by educating them in those residential schools we know so well. Unfortunately, this impression was all too often a negative one. The churches talked to us about their historical role vis-à-vis Aboriginal people and the influence they had on Aboriginal religion and culture. We looked at how they might contribute to the healing process in Aboriginal communities and help foster a lasting reconciliation between Aboriginal and non-Aboriginal people. The churches recognize that they have to support the Aboriginal people in their struggle for greater economic, social and political justice.

Over the next few days, we will be listening to presentations and quite a number of briefs here in Montreal that were prepared through the financial assistance program for intervenors. The Commission set up a program that is administered completely independently by the former minister of Indian and Northern Affairs, David Crombie, financial assistance to enable Aboriginal and non-Aboriginal groups to carry out extensive research in order to present briefs to the Commission that do

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not simply state the problems, but also offer solutions.

Over the next two weeks here in Montreal, for example, we will hear briefs from the Atikamekw and Montagnais Council, the Grand Council of the Crees and the Waban-Aki Nation.

We will hear presentations from three Inuit organizations: two from northern Quebec -- the Makivik Corporation and Nunavik, which is the new political organization that should soon be in place for all of northern Quebec -- and also the Inuvait Corporation, which represents the Inuit in western Canada, in the Northwest Territories, near the Beaufort Sea.

We will also hear from many non-Aboriginal organizations that we asked to give some thought to the relationship between Aboriginal people and the general public in Quebec. We will hear from groups representing the legal profession, such as the Ligue des droits et libertés de la personne, the Barreau du Québec and the Honourable Jean-Charles Coutu, who has been a judge in northern Quebec for 20 years and is chairman of a committee

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on the reorganization of legal services in northern Quebec, who will be here to tell us what his committee is doing.

We will hear from numerous health and social organizations, including the Corporation professionnelle des médecins, the Ordre des infirmières et infirmiers du Québec and the Association des hôpitaux: in the area of economic development, the Caisses populaires Desjardins; from labour, the Confederation of National Trade Unions or CNTU; in the area of natural resources and wildlife, where relations between Aboriginal and non-Aboriginal people have to be handled very carefully, the Association des pourvoyeurs et des pourvoiries du Québec, the Atlantic Salmon Federation, etc; in the area of education, Concordia University and McGill University will make institutional presentations; and in the area of youth, the standing committee on youth.

Aboriginal people living in urban areas will be the focus of presentations from the Federation of Canadian Municipalities and the Union des municipalités du Québec.

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Self-government in urban areas is probably one of the most sensitive issues in the Commission's mandate, what form such autonomy would take, what the relationship with municipalities would be. These are the issues we will be discussing, and first and foremost among them is the relationship between Aboriginal and non-Aboriginal people in Quebec.

The Equality Forum, which was created as a forum in which Quebecers from all walks of life and Quebec Aboriginal people could come together and discuss their relationship, will make presentations, and a number of other groups, each in its particular field, will look for ways to build bridges in a context where relations are actually getting worse, not better.

These hearings will enable the Commission to determine the key issues and options in each of the major areas under study. The mandate is very broad -- 16 points in all -- and covers almost every aspect of Aboriginal life, from land issues to self-government to social policies in the areas of justice and health and social services,

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economic development, Aboriginal language and culture, the whole treaty issue, and the specific situation of Métis, the Inuit, Aboriginal women, elders, seniors and youth.

Obviously, a mandate this broad gives us an overall view and enables to propose an action plan, a path, that governments in Canada -- the federal government, in particular, of course -- can follow to ensure that relations are productive, not destructive and confrontational as was too often the case in the past.

In 1994, the Commission plans to put forward options in each area of its mandate in small seminars that in a sense will serve as testing grounds to identify commonalities on which we can base our recommendations. We hope the ten provincial governments, the governments of the two territories, the federal government and representatives from Aboriginal organizations will take part in these seminars.

After that we will draft our final report. We hope to complete our discussions by the end of 1994,

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which means the final report should be out a few weeks or perhaps a few months later.

I should add in this regard that the Canadian political scene has changed dramatically in the past two or three weeks. Unfortunately, during the last election campaign, Aboriginal issues were rarely in the forefront of the debate. However, the party that now forms the government presented an election platform that identified recognition of the inherent right of Aboriginal people to self-government as the cornerstone of a new relationship with Aboriginal people. The platform referred to the document that the Commission published at the end of August called "Partners in Confederation". We therefore believe there is hope that real action will be taken in the months and years ahead.

In addition to its final report, the Commission plans to present this year a number of interim reports on specific issues. We hope and expect to be able to present an interim report on the whole issue of the sunset clause for rights in

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land claims, which is often the focal point of the debate and makes it difficult to settle land claims quickly and effectively.

Suicide in Aboriginal communities is a crucial issue for the Commission. We have held special consultations on the issue. We are aware of the rashes of suicides, especially by young people, in such communities as Big Cove, New Brunswick.

Someone was telling me that just yesterday there was another suicide in Big Cove. Suicide is also a serious problem in northern Ontario.

We will certainly do whatever we can to help in this area. There will be an interim report on suicide.

Violence against women and children, family violence, is a major concern for the Commission. We have heard many reports on this issue from men and women, mostly women, both in public and in private, and we hope to present an interim report next spring.

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On the whole issue of the resettlement of the Inuit in northern Quebec in the 1950s from Inujuak to Resolute Bay and Grise Fiord, we held two weeks of hearings in April and June during which we heard the views of the Inuit and the civil servants who were involved in the resettlement. We are planning to release a report just after the new year, early in 1994.

I mentioned the meeting with the churches. The whole residential school issue is a major issue that has had many repercussions, and the Commission plans to make interim recommendations by next summer.

In essence, we believe that the real issue in these hearings in Montreal is to find ways of bringing Aboriginal communities and the general population closer together. We realize the situation in Montreal is different from the situation in many Canadian communities. Obviously, it's a unique situation when you have a reserve in or near a city, like Kahnawake, or when Aboriginal territory is interspersed with non-Aboriginal territory, like Kanesatake. We believe, however, there is a chance that

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dialogue can be restored and bridges rebuilt. This is of utmost importance, because in our view there is no future unless we examine the underlying causes of the current situation.

The Commission therefore hopes to hear in the course of these hearings specific suggestions that can be used to articulate this desire for closer relations that many in our society have said is a priority. There is hope on the horizon. Many people in the field are convinced that we absolutely must build a society that includes Aboriginal people in Quebec, a society in which Aboriginal people will feel at home, respected and in control of their economic, cultural, and social development.

As I said earlier, last week we celebrated Quebec Aboriginal Peoples Week, an event sponsored by the Equality Forum.

There were several other events held during the year. The standing committee on youth brought Aboriginal and non-Aboriginal youth together to discuss their relationship. At the Montreal Cultural Institute, committed individuals organize regular meetings between various groups.

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In closing, I would like to remind you that the United Nations proclaimed this year International Year of Aboriginal Peoples. The theme for the year was "A New Partnership". A partnership cannot develop without mutual respect and equality between the partners. We have to make the transition from rejection to respect. For some, this will mean a progression from paternalism to inclusive partnership, while for others, it will mean a progression from making demands to offering tangible solutions. Individually and collectively, the process of building a partnership requires that everyone be willing to take another look at established ideas and eliminate things that stand in the way of a renewed vision of relations between Aboriginal and non-Aboriginal people. The issues we have to resolve are complex. Finding lasting solutions will take time and effort. We have to start paving the way today.

In closing, I would like to say that the Commission in no way underestimates the changes in mood, the frustration and the failures that have been part of relations between Aboriginal and non-Aboriginal people, particularly of late, failures that have made it difficult to find solutions. I believe that

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this kind of deterioration in relations can be a major setback in the healing process and the vital process of reconciling these two groups in Quebec society. If proper care is not taken, our fellow citizens may lose faith in our institutions and their ability to bring people together by treating everyone fairly. I want to make it clear, however, that an organization like the Commission has a very real chance, because of the effort of all partners in society, of finding a ray of hope and putting it to work for the good all Canadians . . . a ray of hope that means getting closer to the heart of the matter and trying to find the path that will lead to development.

Aboriginal people are calling for a new legal and political place in Canada broad enough to create conditions that are conducive to their economic, social and cultural development.

Only a new social pact and a redefined relationship can provide the necessary framework and restore hope and pride for Aboriginal people. A social plan that lacked the capacity to include all people and all

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elements of society would be too narrow and out of touch in today's world.

On that note, I would like to ask my colleague, Viola Robinson, to say a few words, and then we will hear the first brief of the week from Pierre Trudel.

Thank you.

COMMISSIONER VIOLA ROBINSON: [English]

CO-CHAIR RENÉ DUSSAULT: Thank you.

I would now like to call upon Mr Trudel to perhaps introduce himself and explain his interest in Aboriginal issues and relations with Quebeckers generally and then proceed with his presentation. Pierre.

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PIERRE TRUDEL: Good morning, Mr Chairman, Madam Commissioner, Chief Curotte. Good morning, ladies and gentlemen. I am a teacher. I teach anthropology at the Vieux-Montréal CEGEP. I have been interested in Aboriginal issues for almost 10 years and in that time have published scientific articles in a magazine and endeavoured to gain some insight into the development of the relationship between Aboriginal and non-Aboriginal people.

Last week I attended a symposium organized by the Aboriginal Quebec Equality Forum as part of Aboriginal Peoples Week during which a very interesting document was presented that attempted to take stock of our relationship. The document contained some "scientific" data, surveys conducted by the Quebec government and the Atikamekw-Montagnais.

The Quebec government survey found that Quebecers have for some time been concerned about all kinds of things -- unemployment, the constitution, etc -- and that only 2% are concerned about Aboriginal people.

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However, on other questions, it was noted that up to 80% of Quebeckers had talked about Aboriginal people some time prior to the survey.

What are they saying? My presentation will attempt to outline the points currently being made in the debate. This is not a scientific investigation. Rather, it is based on my personal experience in listening to what the different groups have to say.

My presentation is entitled "Quebeckers and Aboriginal People: a Meeting of Nationalisms", and I think the last figure I just gave you perhaps illustrates how difficult it is to achieve a meeting of nationalisms. In other words, the situation in Quebec is that the less Quebeckers are concerned about Aboriginal people, the more they talk about them, which is odd. What they are saying about them might well be somewhat contradictory. That we will see later.

Other surveys have indicated that distinctions need to be made. The Atikamekw-Montagnais carried out surveys around their communities which showed that the situation in the Montreal area was perhaps different than in the rest of Quebec. My presentation does not make those distinctions.

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It deals largely with certain messages currently being conveyed in Quebec.

The Royal Commission on Aboriginal Peoples is dealing with a situation that legislation alone could not change.

The work being done by the Commission reaches the basic structures of this country and the very roots of our way of thinking. The situation is obviously complex and therefore difficult to change.

Investigating a "colonial" situation is an important aspect of the approach being taken by the Commission. However, the Commission has to consider the specific context of relations between Quebeckers and the First Nations, in particular between Quebeckers and Mohawks.

The Commission cannot succeed without taking into account Quebec's specific situation and the specific situation of the Mohawks. In my opinion, and as we will see later, that allows us to go beyond the colonialist perspective, as this is where insecure nationalisms come together.

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My presentation is not an attempt to identify the political and economic issues in the conflict between Aboriginal people and Quebeckers. Instead, it deals with the impact of the conflict on the words of the peoples who stand opposed. Resolving political and economic problems requires communication between the parties. In recent years in Quebec, observers have found that prejudice and sensationalist statements are inundating the airwaves and our collective consciousness. What is going on? Nothing new, surely.

This is what René Lévesque, then premier of Quebec, had to say in 1978 at the historic meeting with Amerindians:

[Translation]

"... because we do not know each other, we cannot know what to respect in each other's identity. We cannot know what aspirations and ideas to respect. We do not know each other. Ignorance makes a poor building block."

The goal of my presentation is therefore to identify aspects of the views that exist in this country today, views that result in us continuing to insult one another without

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really realizing it. The Commission could, if it so chose, take this into account in its bid to change what are commonly referred to as "states of mind".

Old strategies: denial, exclusion and historical interpretation.

Conflict over political and territorial integrity in a country always begins the same way. One side makes an effort to not recognize the claims of the other side and sometimes goes so far as to deny its existence. The only response to denial is to express one's distinctiveness even more strongly using every available means and every available image.

The differences between the conflicting nationalist views seem obvious, but perhaps we should look at the similarities. Looking at the current tension between Quebeckers and Aboriginal people in this light helps us see that relations can be better in the future.

It seems clear to me that we are now hearing variations of what was being said when the Europeans first came to America in a bid to deny the existence of the other side. Back then, Europeans wondered whether the Indians had souls or were even human. Today,

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racist jokes and prejudice suggest that Indians are closer to nature than culture. The first nations probably felt the same way about the Europeans and some still do today, including one nationalist Mohawk philosopher who wrote that White men were more likely than Indians to have descended from monkeys given the amount of hair on their bodies.

Of course, variations on the denial theme are usually more sophisticated nowadays. Comments like those of the Kahnawake chief who said Quebec is nothing more than a province and the chief of the Assembly of First Nations who, speaking in the National Assembly, questioned the existence of the Quebec people are in my view denial of the other side given the current political situation in Quebec. The reaction was swift. Faced with the image of Aboriginal rituals and comments of this type, Quebecers said that, with their blue eyes and cellular phones, those Indians weren't real Indians.

While Quebecers are particularly sensitive about the status of their language, Aboriginal people

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say they are distinct because they were here before us. Challenging these beliefs is sure to draw a response. Aboriginal nationalists reject the theory that their ancestors came to America by crossing the Bering Strait during an ice age. Is this nationalistic delirium?

Perhaps. But it is important to understand that ordinary people don't hear scientific theories every day; what they do hear are the views of their political opponents. More and more, Quebeckers whose families have been in Quebec for generations are feeling insecure and are saying it's unfair and unreasonable to give different rights to people based on when they arrived in America, referring to the scientific theory of the settlement of America. How else can we logically argue this point than to say that the Aboriginal people have always been here?

It's also hard to resist smiling when Quebeckers with deep roots in Quebec say it's wrong to grant rights based on when people arrive in America but use this same argument to justify Bill 101, Quebec independence and

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the distinct society theory to Anglophones and immigrants.

Quebeckers do not realize what an insult it is to the Mohawks when they say that the Mohawks were not the first inhabitants of Canada, that they came from the United States after the French settlers arrived. It's just like attacking Bill 101.

Denial also means exclusion. While opponents of a distinct Quebec society are sometimes told to go back to their own country or to Ontario, opponents of a distinct Aboriginal society are told to go back to Europe, even to England in particular, despite the fact they could be Francophone. Are not "White men", like "Indians", all alike?

We wonder also about the Aboriginal claim of national genocide. I made it clear that I was sceptical when a Mohawk nationalist described to me a modern-day situation where a minority of true Mohawks stubbornly kept up a very special mission in America, surrounded by a large majority of people whom they no longer considered

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to be Mohawks. Moreover, this minority was almost wiped out, killed by Quebec provincial police bullets during the Oka crisis. This, despite the ambiguity, is what genocide means. Their message was wrapped up in Aboriginal spirituality, prophecy and the battle against materialist America, reminding me of a certain Catholic French-Canadian nationalism. Quebeckers' fear of becoming extinct is taking the place of the current genocide of Aboriginal people.

As for the past, genocide is being replaced by the fact that we Quebeckers were considered by some to be true martyrs.

Both Mohawks and Quebeckers are said to have lost almost all of North America. French-Canadian mythology still teaches us that we owned much of what are now the United States and Ontario, even though there were only a handful of us occupying forts at the mouths of rivers surrounded by a million Aboriginal people.

The official story, according to western history books, is that we owned New France from the banks of the St Lawrence to Louisiana.

All social groups taken for Quebeckers with deep Quebec roots are at least somewhat familiar

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with this feeling that our territory was reduced.

To understand modern history, we have to understand the myth. We lost Louisiana and Labrador, and if we don't stop them, the Crees will take northern Quebec away from us and the Mohawks will surely attack Montreal Island. Proof positive, once again, that they are allies of the English.

Yes, Quebeckers with deep roots in Quebec and full-blooded Mohawks have had quite a bit in common for some time.

It is good form for Mohawks to ignore Quebeckers, to not speak French and to cry out against the tyranny of Bill 101 and the Quebec Police Force. The less they speak French, the more Mohawk and distinct they are. In hockey, the Mohawks support the Boston Bruins, the traditional enemy of the Montreal Canadiens. If you're distinct, you have to be distinct all the way!

As for Quebeckers, the more we try to ignore the Mohawks, the more they act like Italians instead of Indians, like Lasagna, and the more criminal they become. The more we ignore them, the more we seem to feel we are protecting the territorial integrity of Quebec.

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People don't always want to hear the truth, especially in certain circumstances and when it is said a certain way. Aboriginal people foolishly tell us that we are only a province and not a nation. Imagine a Quebecker whose family has been in Quebec for generations going to the Kahnawake Survival School and telling students dressed in Warrior jackets that they aren't Mohawks, that they aren't a nation, that they're nothing more than numbered Indians living on a reserve! Insulting the other side without really realizing it is a feature of the meeting of nationalisms.

Joe Norton was giving a speech at Concordia University and explaining how the Mohawks proudly fought against Bill 101, when he was asked how he was coping with the political unrest in Quebec created by the sovereigntist movement. He replied that his government would destabilize the Quebec government if it had to in the event of independence. Coming on the heels of the Oka crisis, this did nothing to establish good relations. The Anglophone audience did not ask if his band council might also be in political trouble because of

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sovereigntist Mohawks or the actions of a para-military group.

Following the example set by the Mohawks, who ignore us and say we are not a nation, and varying the theme somewhat, more and more Quebecers are denying the other side by stating that Lasagna is more Italian than Mohawk and therefore the "Indian problem" is the result of the archaic separate legal and political status of reserves and Aboriginal people. If we truly want to settle the "Indian problem", we would have to abolish these outdated laws should Quebec become independent. This does nothing to establish good relations.

Another very popular way to deny their existence is to suggest that behind every Indian there's an Anglophone or a federalist. Again, this does nothing to establish good relations.

But hurling insults is not the only thing we have in common. There is also the debate over fundamental rights, the true nature of the other side. A Mohawk weekly reported that it's a good thing Quebec has not been given

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more power over immigration, as would have happened under the Charlottetown Accord, because Quebecers are such racists. The person who wrote the article is a real Mohawk: more than half his blood is Indian, and he did not marry a non-Aboriginal person after May 22, 1981. This means he is entitled to live on the reserve, obtain social services, vote and stand for election to the band council, as provided for in the community's citizenship rules. If you are not at least half Indian, you are not entitled to any of this.

Mohawk and Quebec nationalists alike promise to eliminate some blood and linguistic irritants later under certain conditions. Each side tries to "delegitimize" the other with accusations of racism, sexism, nazism and being anti-democratic or fundamentalist. However, Mohawks and Quebecers are similar also in that both are uneasy within these insecure nationalisms and both have lost land and what land they have left is not clearly defined.

Conclusion: "Talking: The First Step Toward Negotiating."

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The differences between the conflicting nationalist views seem obvious, but perhaps we should look at the similarities. I'll say it again: looking at the current tension between Quebecers and Aboriginal people in this light helps us see that relations can be better in the future. There are specific issues that pit the two societies against one another and that ought to be better understood. But the words and symbols used to defend the interests involved can easily go off track and produce only hate and exclusion. Once certain actions are taken, the incidents at Oka, for example, there can be no political agreement until an atmosphere of dialogue has been restored. Restoring normal relations requires changes in social reality to better reconcile the diverging interests. However, if we are to understand each other better, we have to harmonize our messages and identify the insults.

It is important to bear in mind that we are dealing with the general context of discussion of Canada's basic political structures. There may well be another referendum on Quebec sovereignty in the near future. We can't build anything if we insult one other.

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Lastly, I believe that the strained relationship between Quebeckers and Aboriginal people today, in spite of everything, reflects some progress in the balance between our societies. The message from Quebeckers is less paternalistic and shows that they are now in political turmoil. Aboriginal people are not children of nature or poor colonized people, but rather have become a political force to be reckoned with that can no longer be ignored.

I also believe that the rest of Canada, to some extent, will soon come round to Quebec's side. Here, too, the thorny issue of the transport of cigarettes and other goods between Canada and the United States will come up again and again, along with the tax-free sale of goods to non-Aboriginal people. Who knows, perhaps the symbolism of Oka will lead groups outside Quebec to take up arms for politic purposes. The result will be an erosion of relations and an increase in claims that there are two systems of justice, one for Aboriginal people and another for Whites.

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CO-CHAIR RENÉ DUSSAULT: Thank you, Mr Trudel, for that very interesting presentation. Your presentation tackled one of the most complex issues in Canada today, one that certainly has a bearing on the Commission's work: the meeting of Aboriginal and Quebec nationalisms.

I would perhaps like to begin by asking you to clarify this dichotomy or distinction between Quebeckers and Aboriginal people. On one hand, when you oppose the two, you appear to be agreeing with the Aboriginal people by recognizing their own distinct character. On the other hand, you could just as easily say that, at that point, the term "Quebecker" does not include Aboriginal people.

How can you describe the situation for the Commission . . . and in the document "Focusing the Dialogue", following the second round of public hearings, we stated that, for us, the term "Quebecker" refers to everyone who lives in Quebec. My question then is how do you express these two realities clearly without insulting anyone? Are Quebeckers and Aboriginal people two realities that have to be treated differently? Can

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the language be reconciled at the same time with the notion of dual citizenship -- Aboriginal, and Quebec and Canadian? Your entire presentation focused on trying not to insult anyone, or at least recognizing insults and not insulting others unwittingly.

I would like to know what you think of that issue, how we can ensure that Aboriginal people in Quebec are included in the term "Quebecker" and still respect their distinct character.

PIERRE TRUDEL: It's a little complicated. It's a question of terminology, but one that I believe is truly significant and is a reflection of the debate. I was reading an article by a colleague at the Vanier CEGEP which said the same question arises with respect to the terminology the Quebec government uses for immigrants, newcomers. At some point, it's hard to define "Quebecker". Who exactly is included? How long does a person's family have to have lived in Quebec for the person to be a "real" Quebecker? Are Anglophones who have been here since the last century "real" Quebeckers? The fact that there is a dispute over what word to use is significant.

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As for the term "Aboriginal Quebeckers" -- this is a formula that I, the Equality Forum, and others have chosen to use -- it may be a bit cautious because now, in my view, these are relationships that have yet to be defined, more specifically the relationship between Quebeckers and Aboriginal people. In other words, perhaps the opposite, that is, saying that Aboriginal people are Quebeckers and leaving it at that, not making a distinction, suggests perhaps in the current debate that the matter is settled and that the issue is clearly defined, which is not the case in my opinion. The term has yet to be defined.

Some Aboriginal people in Quebec are more willing to establish closer relations with the Quebec government, while others are not interested in developing closer relations with the Quebec government. This probably reflects a certain degree of caution in view of something that has yet to be defined more accurately, the use of the term "Aboriginal Quebeckers".

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CO-CHAIR RENÉ DUSSAULT: I'd like to take this a step further. You talked about immigrants, newcomers, and touched on whether the term "Quebecker" in fact includes everyone. I stated the Commission's view, which is very clear, that everyone who lives in Quebec -- Italians, Greeks, etc -- is a Quebecker. However, in the course of its work, the Commission has found that the distinction between Aboriginal people and immigrants is also complex in that Aboriginal people of course have historical rights, something like Quebeckers for historical reasons, which has led to Canadian duality, bilingualism, etc.

The way to treat and ensure that Aboriginal people, immigrants, Francophones and Anglophones living in Canada . . . is an extremely complex matter. Aboriginal people say, "Listen, we especially don't want to be treated like another cultural minority. We were here in the beginning. Immigrants who come to Canada agree to live according to the laws and customs of their newly adopted country. We were here with our own customs and laws." etc.

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I believe the debate in Quebec has to be expanded to include the notion of immigrants and cultural communities without falling into the trap of lumping Aboriginal people in with cultural communities. We're always walking on eggshells and we are at the heart of the social reality that will enable us to find the needle in the haystack and come up with not only solutions, but also the words we need, because in this area the words are almost as important as the issues themselves.

PIERRE TRUDEL: As I said earlier, lumping Aboriginal people in with immigrants is really insulting to Aboriginal people since they consider themselves distinct because they were here before us. They have been insulted institutionally through history: at one time, Aboriginal affairs were the responsibility of the Department of War; Aboriginal affairs were even at one time handled by the Department of Immigration, believe it or not. These are certainly two very different things, two different realities that reflect the history of America,

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and I believe it is very important that the different groups be distinguished from one another.

CO-CHAIR RENÉ DUSSAULT: I would once again like to appeal to you and others: if you have any suggestions regarding terminology, the Commission welcomes them, because it is very much aware that this is a highly sensitive area. That is why from the outset -- and I will do the same with the Equality Forum -- there has been a sort of opposition between Quebeckers and Aboriginal people, to clearly recognize the reality of Aboriginal people, but with all the debate that can ensue. The vocabulary to be used is in our view extremely important, and we hope to have as much insight as possible.

In the same vein and while we're on the subject, the whole concept of founding peoples, which is very important in Quebec and is the foundation of Canadian duality, is offensive to the first inhabitants of this country. They say to us regularly, "Listen, you ignore the fact that we were here." The usual response is that the legal Canada was created in 1867 by Anglophones and Francophones and that the Aboriginal people had nothing to do with it, obviously.

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The question is this: how do we make the Aboriginal people partners in Confederation and include them in the Canadian Constitution and at the same time respect their identity?

Once again, I appeal to anyone who would be good enough to help clarify the debate over these concepts, because they are fundamental and they must be handled very carefully. We fully realize that in order to write its final report, the Commission will need a fairly clear idea of these concepts so that everyone understands the role and place and can bring people together instead of pitting them against one another.

Once again, then, I call on you and others in our society. Clearly, there is a debate that is not only intellectual, but absolutely essential, over the concepts we are dealing with.

PIERRE TRUDEL: Yes. I'm associated with a magazine that deals with the terminology to be used and

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they do not always find a simple answer. But then the media, too, sometimes uses terminology that suggests things to the public, terms like "the Indian problem", systematically suggesting that the others are the ones with problems, not us, and that the problem is not the relationship between peoples. I often hear these days reports that openly use the term "Mohawks" when referring to the contraband cigarette trade, and no distinction between people is made, implying that all Mohawks are involved in activities that make the headlines. These events are sometimes covered very carelessly.

CO-CHAIR RENÉ DUSSAULT: I agree, but is that not partly because of the lack of criticism of some actions within Mohawk communities, which often results in people assuming that everyone is involved?

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PIERRE TRUDEL: Yes. There was a representative from I think the CNTU in the Châteauguay region at the Equality Forum who said that there were a lot of problems with the relationship between Mohawks and the people from the South Shore at his congresses. He even invited Quebeckers to come and meet the Mohawks, but they refused. He keeps trying to build bridges and has even become personally involved. He thought it was unfortunate, however, that there was no official Mohawk representation at the Equality Forum.

Perhaps, too, we shouldn't just blame the media for distorting things. Perhaps we should also look at the Mohawks, whether they don't take enough interest in what's going on in Quebec, public opinion, and rectify the situation -- even though it's hard to counter media coverage -- and help try to give more consideration to Quebec public opinion, to explain things to the people of Quebec. Sadly, there was an element missing from the Equality Forum.

CO-CHAIR RENÉ DUSSAULT: This brings us to your conclusion, which you called "Talking: The First Step Toward Negotiating."

PIERRE TRUDEL: That's correct.

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CO-CHAIR RENÉ DUSSAULT: The people still have to want to talk and be able to do it without insulting the other party in the first 30 seconds; then they can really have a deeper discussion.

Do you have any suggestions for paving the way?

I thought your analysis of the basic communication problem between Aboriginal people and the general public in Quebec and to some extent Canada was excellent, probably the clearest of any that the Commission has heard so far. But getting back to the specific situation in Quebec, what is the first step in ensuring that instead of talking to one other through microphones and exchanging insults, often without really realizing it . . . how can we get beyond that point and become more constructive and start building bridges?

In May, we held sessions at Akwesasne and Kahnawake. We also heard people from Kanesatake and held round tables in Montreal with communities in the area around Oka parish and village and also Châteauguay. Everyone said they were interested in

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finding mechanisms that could be used to begin a dialogue between Mohawk communities in particular and the surrounding communities in order to normalize day-to-day relations, reduce the tension, ease the fear, founded or unfounded, etc. However, they know the mechanisms are not in place, and at the time they were not willing to come meet with the Commission jointly; the Commission had to meet with just the Mohawks and then with representatives from the surrounding communities.

Do you have any suggestions on how to initiate a more serious and solid approach that would have a good chance of leading to something more tangible?

PIERRE TRUDEL: I don't have any specific recommendations, but I believe that the Oka crisis, as it is called. . . and that's normal, we have to be realistic and acknowledge that it create some rifts and it will be some time before an atmosphere of dialogue is restored. As far as I know, before the Oka crisis, the Mohawks used to take part, would go to the

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National Assembly to present briefs; the Six Nations Confederacy and band councils went and explained things at great length.

Perhaps there is a rift, but I truly believe there are things we can do. I think we have to create meeting places that are perhaps unique or different, ensure that people come together and maybe pressure their politicians to meet with them in real terms.

I think that Non-Aboriginal people, too, have to observe the protocol. We have to be aware of Aboriginal culture -- and that can sometimes be a problem -- when we take the first step toward establishing a dialogue.

CO-CHAIR RENÉ DUSSAULT: Thank you.

COMMISSIONER VIOLA ROBINSON: [English]

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[English]

PIERRE TRUDEL: I think it's up to the governments to initiate it. The Mohawks, for example, have propose a long- or short-term global approach, sign agreements on historical treaties and work from that perspective.

Listen, about the Mohawks, you know that many are putting forward claims . . . there's even going to be a

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Supreme Court ruling on the Jay Treaty. A bit like when James Bay was being developed, the Land Transfer Act in Quebec at the beginning of the century or the end of the last century contained a clause that stipulated that Quebec had to sign a treaty with the Aboriginal people, which it did not do. As for the Mohawks, there are sections in some statutes that in the end have remained dead issues and have not been defined in a modern context.

There was probably a procedure to follow. I am referring to the Jay Treaty, for example, which reflected the situation at that time, and most Mohawks claim this right to transport goods from one country to another. Of course, it has yet to be determined what effect this has in terms of trade and taxation.

I know that the governments have already begun to take action, but I believe it's up to them to state the problem and state it in an interesting way in order to draw Aboriginal people into the discussion, which will offer them some reassurance.

I also believe the

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Aboriginal people have to have political autonomy. We know the Mohawks have been saying since 1980 that they have seized political autonomy in some areas. Political autonomy also implies a certain responsibility to maintain good relations with neighbours. I also think that within Aboriginal communities, Mohawk in particular, there are some matters that need to be cleared up if the discussion is to achieve anything.

But as for initiating it, I believe it's the responsibility of governments; it's up to them.

COMMISSIONER VIOLA ROBINSON: [English]

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PIERRE TRUDEL: For Quebec, there is some recognition of the fact that Mohawks and other Aboriginal people are nations. The Quebec government made some official statements almost 15 years ago to the day, or perhaps more than 10 years. There have been discussions on this issue, and they must continue. It's all fine and well to define Aboriginal people as a nation, but what does that really mean? There are things that need to be made clear.

I believe there are some Aboriginal people who are not satisfied with this definition by Quebec, and I think it's the same with the federal government.

COMMISSIONER VIOLA ROBINSON: [English]

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[English]

PIERRE TRUDEL: Do you mean that the demand to negotiate only with Ottawa is preventing the provinces from officially recognizing Aboriginal people?

I don't fully understand your question. Do you mean that because Aboriginal people turn to Ottawa first and look to Ottawa for recognition and because the provinces are not involved, that this stands in the way of such recognition, which could happen across Canada by involving the provinces? Would you mind repeating the question, please?

COMMISSIONER VIOLA ROBINSON: [English]

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PIERRE TRUDEL: My view is that, in real terms, it certainly is an obstacle and does create a more complex situation, but the Aboriginal people have reasons for turning to Ottawa first. Historically, they do not want to see their rights and powers recognized in the Constitution and by history watered down by too much negotiation and too much discussion with the provinces, which would change their status from citizens of the First Nations to simply Quebeckers or Ontarians. Sometimes they extend over provincial boundaries. I think, then, that they have an interest in not watering down . . . besides, during one conflict, Quebec said the same thing, that it didn't want to end up at a table with 15, 16 or 17 partners. So I think the Aboriginal people are doing the same thing as Quebeckers.

However, I think it's important for the Aboriginal people to be open to discussion . . . and they are doing just that; I think that officially they're doing that. The Charlottetown Accord demonstrated this by having the provinces there during the discussion. The Oka problems were also partly a result of this, I think;

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in Oka, the federal government was being asked to solve problems and the municipalities were right there, but there was no communication. Some of the positions taken by the Department of Indian Affairs regarding certain situations at Oka were at odds with those of the municipalities, which were faced with the real problems every day.

It is therefore clear in my mind that there has to be a mechanism. It's not that there's no dialogue. It's just that when issues and conflicts arise, there are no mechanisms available, so no one goes ahead at a given moment; the province is going to proceed, Ottawa is going to proceed. I think a mechanism would greatly improve the process, especially during a conflict, as it would ensure that the provinces to not go ahead, or Ottawa does not go ahead, but would create a buffer zone. I believe other countries have a mechanism, an institution that uses means other than processes to try to solve problems during a conflict.

COMMISSIONER VIOLA ROBINSON: [English]

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[English]

PIERRE TRUDEL: Yes, there certainly are differences between the Montreal region and the rest of Quebec, although the media are so much a part of daily life that people experienced the events in the Montreal area as if they were taking place in their living rooms, even if they lived at the very tip of the Gaspé. Everyone was involved in the conflict where weapons were used for political purposes for

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several days. I heard Ms Kistabish from the Quebec Native Women's Association say last week that during the Oka crisis someone ripped her son's shirt off his back and told him the Whites had paid for it. They don't live anywhere near Montreal and are not Mohawks; they are Algonquins.

The relationship has clearly deteriorated because people experienced the events as if they were taking place in their living rooms, but there are important distinctions that have to be made. I referred earlier to a survey carried out by the Atikamekw and Montagnais, and there are conflicting viewpoints; we don't know very much about where the public stands in that regard.

Contrary to the impression that things are going very badly, in fact, the survey says that everything is fine and that the Montagnais and Atikamekw communities have a good relationship with their neighbours, although I've heard different versions for Lac Saint-Jean; there was recently a report on a Liberal candidate in Lac Saint-Jean, and it wasn't a pretty sight.

There are conflicting, inconsistent versions, shall we say, but I believe the strained relations in Quebec can change quickly.

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Very quickly, in fact, because in 1985 polls were carried out to measure support for political autonomy across Canada, and Quebec was where support for Aboriginal political autonomy was strongest in 1985. We haven't become "racists" in a few short years. Political events happened, and things can change quickly, I think; depending on the circumstances, things can change quickly in my opinion. We must not be too pessimistic, I think.

COMMISSIONER VIOLA ROBINSON: [English]

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[English]

CO-CHAIR RENÉ DUSSAULT: Thank you for your contribution.

In closing, I would like to thank our guest, Pierre Trudel, for his analysis "Quebeckers and Aboriginal People: A Meeting of Nationalisms". I think it has opened the door to a discussion that is a major concern for the Commission, namely, what vocabulary should be used to avoid unintentionally insult anyone.

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I think the discussion not only as to whether the term "Quebecker" includes Aboriginal people and whether, by going through a process that says "Quebecker" does include Aboriginal people living in Quebec, the same as any other person living in Quebec . . . clearly, the debate immediately raises the issue of Aboriginal distinctness. How can we develop a concept of Quebec that includes Aboriginal people but at the same time respects them and that also includes immigrants and makes a distinction between immigrants and Aboriginal people for historical reasons?

In think you certainly put your finger on the importance of understanding others so that at least in the course of initiating a dialogue you do not insult one another without even realizing it. I think that's a very important point.

I will end by calling on you and others to continue thinking about what vocabulary should be used use and send your suggestions to the Commission. We welcome any ideas you may have.

Also, I had occasion to add -- and we see this across the country -- that

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the concept of founding peoples, Anglophones and Francophones who created the legal Canada in 1867, which is very important in Quebec, of course, and in the rest of Canada, also offends Aboriginal people, who say, "We were the first to arrive and were left out in the cold at the time of Confederation in 1867." That was one of the reasons why we called our document at the end of last summer "Partners in Confederation". How do we include Aboriginal people in Confederation without antagonizing them with notions as important as founding peoples?. How do we reconcile the terminology, the vocabulary, to describe the situation accurately without insulting anyone but with due respect for everyone?

Finding terms that ensure respect for historical realities and at the same time bring people together is a major challenge for the Commission and for all people of good will both in Quebec and in the rest of Canada.

Your contribution, Mr Trudel, is invaluable to the Commission and we urge you to continue in this direction. Thank you.

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We will now take a 15-minute break before we go on with the Manawan Atikamekw task force on violence. Thank you.

--- Short recess at 10:58 am

--- Upon resuming at 11:11 am

CO-CHAIR RENÉ DUSSAULT: Good morning. I would like to welcome the representatives of the Manawan task force on violence and without further ado begin by asking them to introduce the representatives who are here with us this morning for the presentation.

DELIMA NIQUAY, Chairwoman, Manawan task force on violence: Good morning. I'm delighted to be here today. My name is Délima Niquay. I am a member of the Manawan task force on violence. I am also a member of the Manawan women's council. I am also a community health representative.

I would now like to turn things over to my colleagues.

MAXIME OTTAWA, Manawan task force on violence:
My name is Maxime Ottawa.

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It's a pleasure to be here with you today to give our task force's presentation. I am a drug abuse prevention worker in Manawan and have been directly involved in the task force since it was created.

PIERRE-PAUL NIQUAY, Manawan task force on

violence: Good morning. I, too, am pleased to be here with you today. My name is Pierre-Paul Niquay. I have been a community health representative since 1980 and a member of the Manawan task force on violence and sexual abuse ever since it was set up in September 1992. Thank you.

CLAIRE BROSSEAU, Manawan task force on violence:

Good morning. My name is Claire Brosseau. I have also been a member of the Manawan task force on violence since the beginning. I work at the Lanaudière child and youth protection centre, the former social services centres. I am responsible for social services for Aboriginal people, and I also work for the Laurentian child and youth protection centre in a similar capacity.

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MICHEL COUTURE, co-ordinator, external

consultant, Manawan task force on violence: Good morning. My name is Michel Couture. I am the co-ordinator of the Manawan task force on violence.

CO-CHAIR RENÉ DUSSAULT: Thank you. I would like to welcome all of you. We are very pleased to have you here today. Family violence, especially violence against women and children, is a theme that has come up again and again during the Commission's visits, hearings, in 112 communities across Canada. Viola Robinson and I were in Manawan on December 3 for a public hearing in which we met a number of interested people in the community. Specifically, we had an opportunity to discuss the issue of violence, and we are very pleased to have you here today.

I understand you plan to show a short video as part of your presentation. I would just like to point out -- because the hearings are being broadcast live -- that we will be watching the video here, but for copyright reasons that could not

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be resolved, the video will not be broadcast. The video is 15 minutes long, I think. It's unfortunate, but that's the situation we are in. I just wanted to mention this.

Please continue.

Perhaps Viola Robinson would like to say a few words first. [English]

MICHEL COUTURE: Your Honour, is there an interpretation system available?

CO-CHAIR RENÉ DUSSAULT: Yes. I'm sorry, interpretation is available.

MICHEL COUTURE: We'd appreciate it very much...

CO-CHAIR RENÉ DUSSAULT: Yes. I'm sorry. I assumed that you'd already been given the headsets. We'll break for a minute so that everyone can get interpretation headsets.

Thank you.

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--- (Short recess)

CO-CHAIR RENÉ DUSSAULT: We're back.

Greetings to everyone again. I would now like to call on the representatives of the Atikamekw task force on violence in Manawan to begin their presentation.

Ms Niquay.

DÉLIMA NIQUAY: I'll begin with the agenda.

After the video presentation, we will hand out our information bulletin, the task force bulletin. We will then review what has taken place since Wednesday. After that, we'll discuss the action plan.

CO-CHAIR RENÉ DUSSAULT: Very good.

So, we're going to begin with the video.

--- (Video presentation)

CO-CHAIR RENÉ DUSSAULT: We have just seen the video on the efforts by Manawan group to deal with violence and educate the community. I know that you have already submitted a work plan, an action plan. Without further ado,

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I will hand things back to you so that you can begin your presentation.

Thank you.

DÉLIMA NIQUAY: Thank you.

You mentioned earlier that you came and met with us in December 1992 to hear what we had to say. We appeared to be doing poorly at that time, but we have made progress since.

In general, the response to the documentary you just saw was very good. In the community, we arranged for women to view the video together at the Mother-Child Centre and then discuss it afterwards. At the Youth Centre, we had workers watch the video with young people and discuss it afterwards as well. The Montagnais organized an open line program with the Société de communication Atikamekw and Montagnais. We had an open line in our community as well. There were about a dozen calls, but only two from women. The rest of the calls were from men.

On the weekend, Saturday and Sunday, we put on a play.

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The Saturday performance was for adults, and we had a full house. The Sunday performance was for young people,, and a lot of young people came to see it. Many people opened up, which brought back memories for people. People need to talk; victims need to express themselves and abusers need to recognize themselves.

The action plan is in the works, and now we have to find the resources.

That's all I have to say. I will call upon the next speaker.

PIERRE-PAUL NIQUAY: I wanted to mention that, since the task force was set up in September 1992, it has taken on a leading role with respect to violence and sexual abuse, and we would like to maintain that role and take on the responsibilities that go along with it.

The band council passed a resolution recognizing the task force on June 30, 1993. It approved the work plan and gave us the task of carrying out the work plan, all the activities included in the plan: training, information and all the other support activities for victims and abusers. As Délima said,

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there is obviously a growing need for resources. That's the point I wanted to make.

The activities that we carried out since Wednesday broke the silence. People now realize that this is a problem in our community and support what the task force is doing, and there are even a lot of people who would like to join us. They are welcome to do so.

Discussions were held after the play on Saturday evening. Many people, victims included, came forward to tell their story. There were people there from Lac-Simon who shared their stories with us and they were well received. We plan to keep in contact as well, maintain a relationship with them.

There will be more activities; that was just the start.

I will let my other colleagues take over from here. Thank you.

CLAIRE BROSSEAU: I would like to make a personal comment as well as talk a little bit about my personal experience within the task force. I have been working off and on with Aboriginal people for almost 20 years now,

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both for Aboriginal organizations and for government agencies, and this is really the first time that I have seen a process develop from scratch in a community and on its own bring with it in the end a certain level of success and development.

We are talking today about sexual abuse, which is the main issue the task force has tackled. The problem is one thing and an important thing, but the process that has been set up in the community is just as important as the problem it is trying to solve because ultimately the process is building a network and a vitality in the community that I believe provide the tools to handle any other problem and are creating a take-charge attitude among individuals, groups and the community.

Personally, I think it's great that for once -- I currently work for an agency, a child and youth protection centre -- we can sit back, a tool for these people, instead of carrying people along. That's wonderful.

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MICHEL COUTURE: Remember that the task force began its work in September 1992. Since then, the group has held about 18 meetings, put in many hours of work and travelled many kilometres since Manawan is 100 kilometres north of Saint-Michel-des-Saints. On the weekend, I made the return trip between Saint-Michel and Manawan six times. I've travelled in all kinds of weather; I've travelled 100 kilometres on ice; I've travelled in slush. I've become a really good driver, but that was not why I became involved.

But I think it's good that people know that, for the people of Manawan, it's all the more commendable, all that is being done, because they are doing it almost by themselves -- we try to help them -- but when you're 100 kilometres north of Saint-Michel-des-Saints, you're up north and exposed to all kinds of weather, temperatures, you never know what it's going to be like the next day, if you'll be able to come down, and still they carry on, it must be pointed out.

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When the task force first got under way, one of the community's chiefs, Marc Dubé, said. "We have to reach the point where we can talk freely, publicly, about sexual abuse." Often when prevention programs are set up -- the term is very fashionable but all too often meaningless -- when action programs are set up, it's hard to see whether the objectives have been attained. In our case, the goal of being able to speak freely and publicly has been achieved. This allows us to evaluate it and see it in the results.

On the weekend, the discussion that took place after the play lasted until 3:00 Sunday morning and there were still 50 people there talking about sexual abuse. It still has to be done.

The objective of getting people to talk about it has been met. Over the next few months, we will certainly continue to work on the action plan; a lot of things have to be developed: support activities, resources, as was mentioned earlier.

You spoke of educating, Mr Chairman. A lot more is involved than just educating the community; the community has to take charge. There is awareness, information is now being made available,

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but action is what is happening. We are on the road to finding solutions. That's the really important thing. The task force represents victims and abusers and tries to help them. In other words, it goes far beyond educating them.

Training has begun over the past few months; they have found means to train themselves. In December, a second training phase will help workers develop the skills needed to help abusers and victims. There is another type of training . . . this evening, in fact, they are going back to Joliette because there is still the second of four training components as part of measure 24.

The people are providing themselves with the tools they need to work and help their community. This is what's important.

Since the spring, after the action plan was developed -- of course, these things always take money -- I made representations as part of my job; as I did with the Commission, I contacted a number of government departments. I would like to tell you about the difficulty I encountered.

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I wrote to several departments, but first to Quebec departments, perhaps because I used to work for the Quebec government. I contacted the Department of Public Security, the aboriginal affairs secretariat and the Department of Justice, to name a few. With the action plan, my first question was, "Honourable Minister, are you and your department interested in this action plan and if so, in what way?" They of course knew a request for financial assistance was coming, but the first thing I asked them was if they were interested.

Mr Chairman, not a single person answered me.

No one said that we might be on to something or that they might be interested. I told them, "The task force has been operating for a year now and cannot be considered a flash in the pan. People are getting things done. Just because we live 100 kilometres in the bush doesn't mean we don't have a right to assistance." Not one of them said they were interested.

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One of the answers I got from the Department of Public Security was, "We're not made of money." Another responded with, "Having examined the file, we are afraid there is duplication of another program."

What other program? I asked and they never answered me; perhaps there is no other program.

I wrote to the minister again and I am still waiting for an answer. What interest was shown by the Minister of Public Security, who is the minister responsible for crime prevention in Quebec? I'm still waiting for his answer. I suppose he's a very busy man and we'll get an answer from him one day.

I called the aboriginal affairs secretariat and said, "The community of Manawan has been working on an action plan for a year. Is this something you might be interested in?" Again, the answer I got was, "We've already made our contribution. We gave the Native Women's Association \$6,000." It's as if the Native Women's Association had a mandate to solve all the problems in all the communities, which is not the case; that is not their mandate.

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I wrote to the minister responsible for the secretariat and the response from the secretariat was, "The community should become involved." What does that mean? Do we have to perform miracles?

What I find inconsistent is that they involve Aboriginal people in the discussion. Take, for example, the Department of Justice financial assistance program for community projects, which just ended, where there was a \$500,000 budget, one of the target groups was Aboriginal people and the objectives of the program were directly related to the people in the community.

Of course, a grant program has standards; as they say at Treasury Board, it is a program with standards, a program that has its own requirements; for example, groups have to be incorporated, have to have objectives related to the administration of justice and have to have been in operation for two years. What this means is that the way things are, this is impossible.

On the other hand, you have in the Department of Justice the advisory committee on the administration of justice in Aboriginal communities, which came and met with the task force.

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The inconsistency lies in the fact that it's great to be part of the dialogue, to be included in the dialogue, but when it comes down to it, my question is this: Is there any real interest? Do we not have to convince them by saying, "We'll manage just fine on our own, but stop including us in the dialogue if you have no real intention of helping us."

Currently, what we are seeing at the community level is that a model is in the process of being developed: a community has taken itself in hand, is taking itself in hand, a community on the move.

In order to carry the action plan further and bring it to fruition more quickly, the community needs support, but -- and I'm back to the question that I was asking -- support from people who are interested in effecting change, helping these communities solve their own problems.

The people of Lac-Simon came, came down on the weekend. Why? Because they saw the report on Radio-Québec and said, "Maybe they can help us." It's the same in other Atikamekw communities; there are people who need help.

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The task force is going to meet with those people to exchange ideas with them. It should be remembered, however, that an important model is in the process of being developed. There would have to be support to extend this action, to expand the circle and allow other communities to begin the healing process.

They want to get moving. They don't want charity; all they are saying is, "A bit of support and we'll get ourselves organized." Manawan has shown that they are able to get moving. Someone will have to write a book about this so that other communities can learn from this experience, this dialogue. This is very important to keep in mind.

As for grants, it seems there are a lot of grants available for various programs. At this point in the Manawan community's action plan, it would be important, and this is a suggestion, a unique opportunity for this project or model -- I'm not talking about a project, I'm talking about this -- to develop so that other communities can... and we could include White communities because,

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as I said in the report, in 14 years in community relations, I have never seen an action plan come into being. This is the first time I have seen one be developed and produce tangible results. So the purpose is to help preserve this model for posterity and enable others to benefit from this experience.

There is something in the discussion that I find a bit inconsistent.

I called Status of Women to see if they could help and mentioned the financial assistance program -- stop; I'm just about finished -- to see if there was anything they could do, and when I started talking about Aboriginal people, who were a target group for the programs, I was told, "Aboriginal people are Quebeckers like everyone else." Perhaps that is something that should be changed.

I'm done.

DÉLIMA NIQUAY: I would just like to clarify... Michel said earlier that the advisory committee came to see us in Manawan, but in actual fact the task force asked them to come. I would also like to point out that there are other people on the task force but they could not be here with us today.

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The other members include André Quitich, the Chief of Manawan; Marc Dubé, a councillor; Thérèse Ottawa, the only woman on the band council; and other community workers, too. There's also the NCC.

I almost forgot on thing. I told you earlier that we had an information bulletin, and I would like to hand it out now. I have several copies with me.

CLAIRE BROSSEAU: Does the group have anything else to add? Or maybe, if anyone has any questions, I think the people are ready to answer them now or discuss any particular points.

CO-CHAIR RENÉ DUSSAULT: If it's okay with you, perhaps we can open the floor to questions.

I would like to say once again that the Commission is very pleased to have you here this morning and is very interested in the work your task force has done. Timing definitely seems to be a factor. As you know, the Commission is winding up its public hearings and its research program in the next few weeks.

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The dynamics of your task force as a model solution for the future is certainly something that the Commission considers to be very important.

I would perhaps like to point out also that the population of Manawan is around 1,500. How many people are there on the band council -- a dozen?

MAXIME OTTAWA: I think there are 10 councillors and a chief, 11 people in all.

CO-CHAIR RENÉ DUSSAULT: Eleven people and one of the councillors is a woman.

MAXIME OTTAWA: Yes.

CO-CHAIR RENÉ DUSSAULT: The last election was...?

MAXIME OTTAWA: In January 1993.

CO-CHAIR RENÉ DUSSAULT: So it was after we were there for the public hearings.

MAXIME OTTAWA: Yes.

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CO-CHAIR RENÉ DUSSAULT: If I remember correctly, there was one woman on the council at that time as well.

MAXIME OTTAWA: Yes. The same one.

CO-CHAIR RENÉ DUSSAULT: The same one. So the election in January didn't change anything . . .

MAXIME OTTAWA: There were nominations for the position of female councillor, but no women were really chosen, so the one who was already there retained her position.

CO-CHAIR RENÉ DUSSAULT: Fine. That brings me to my next question. You said that the band council passed a resolution recognizing your task force on June 30, 1993. How involved is the band council in your work? You talk about the community taking charge at a grassroots level, which of course means the people with the greatest interest. But in the video or the presentation, I think it was in the video, Mr Couture or someone

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else said that in Manawan -- and in general this echoes the message we heard across the country -- there has to be a healing process before the community can even think of obtaining more government power or self-government. This is a debate we heard across Canada, especially from women's groups.

I am trying to see the kind harmony or link your task force has with the Manawan band council. Do you feel you have their support when you say that you've sort of broken the sound barrier because people can now speak freely and publicly within the community?

CLAIRE BROSSEAU: I think the people in the community will finish, but I would just like to point out that in the video it was Chief André Quitich who was making those comments ...

CO-CHAIR RENÉ DUSSAULT: Yes.

CLAIRE BROSSEAU: ...and the bulletin here begins with the chief's message.

I'll let Délima or someone else explain in more detail the daily involvement of the band council.

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CO-CHAIR RENÉ DUSSAULT: All right. Fine.

PIERRE-PAUL NIQUAY: In answer to your question about the extent of the band council's support, we must admit that in June 1993, we had to lobby some councillors quite a lot. We've had the support of the chief since the beginning of his term of office. He repeated what he said during his election campaign, that his style of leadership was mainly that recommendations and power come mainly from the people; he sees himself as a spokesman and not the other way around. He repeated that Saturday evening. The people were receptive to this approach to power. We are the ones who are responsible. The council is an administrative body. That's how it was understood.

I don't know if any of the other members want to add anything else.

DÉLIMA NIQUAY: I have one thing to add. When you came to see us in December of last year, I mentioned we were not sure if we had the band council's support, but now we're sure we do.

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MICHEL COUTURE: During the discussion that took place Saturday evening after the play, Chief André Quitich -- and bear in mind that there were a number of councillors present -- once again took a public stand on the role of the task force, on his support for the task force, on what he expects from the task force. It was made clear that the band council was waiting for recommendations from the task force before deciding what action to take. The council publicly supports the task force.

Of course, even though they're members of the task force, they cannot attend all of the meetings because they're busy. The chief is not here this morning because he's attending another meeting; he normally would have been here. There is total, 100% interest in the task force.

CO-CHAIR RENÉ DUSSAULT: I think, as Ms Niquay just said, that there has been significant progress that deserves to be noted, which is important in the success of an undertaking like yours.

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My other question sort of follows from this: What kind of financial support can you as a group get from the band council for your undertaking, the project you have undertaken?

MICHEL COUTURE: At present, activities are carried out within, for example, the "Grow Together" program, which has money available, under the program to combat family violence.

The band council contributes directly -- and someone will correct me if I'm wrong -- by freeing up members of the community to work for the task force; it takes many, many hours and kilometres, and there's gas to pay for. That's how the band council can contribute financially.

CLAIRE BROSSEAU: I would just like to clarify.

The band council contributes by agreeing to provide funds available under pan-canadian projects, "Grow Together" and the family violence program, and also by getting involved; although like any band council in a small community, as you know very well, what other financial

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support can they offer? There is none. They have trouble finding enough money to cover their own daily operations.

So this brings us to a point where, as Michel said earlier, if developments are planned over a longer term, the results . . . because this has not been stressed, but there's the whole component of post-intervention that needs resources. We are even thinking of eventually having a home where abusers can get help; not a home where the women are sent, just the opposite. The people, the women and children, would stay home and the abusers would be sent somewhere to get help. There's no place like that now; one has to be set up. Intervention costs money. That's where we're at when we talk about requests for funding.

CO-CHAIR RENÉ DUSSAULT: I have one last question about this. Like the work being done by your task force, there are of course funds for health and social services, as there are in all communities, to address the immediate problems of clients. Your work deals with prevention to some extent, in the sense that you try to prevent abuse.

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What kind of relationship have you, your group, established with the people who are responsible for providing health and social services in your community? Are they part of the task force?

CLAIRE BROSSEAU: Are you referring to officials with the Department of Health and Social Services?

CO-CHAIR RENÉ DUSSAULT: No, no.

CLAIRE BROSSEAU: Are you referring to the Atikamekw Council with Atikamekw social services?

CO-CHAIR RENÉ DUSSAULT: Yes.

CLAIRE BROSSEAU: They are ex officio members of the task force.

CO-CHAIR RENÉ DUSSAULT: Of your task force.

CLAIRE BROSSEAU: Yes.

CO-CHAIR RENÉ DUSSAULT: Then you have an ongoing relationship, obviously, because they deal with people with problems, people in a situation...

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CLAIRE BROSSEAU: No, it's more than that, it's almost symbiosis because the people, the social services and health workers are members of the task force. There are very few of us here today, but the task force is a bit larger than what you see here, and the workers . . . I myself work for the child and youth protection centre and am a member of the task force. So you can see what kind of relationship the Lanaudière child and youth protection centre has with the Aboriginal community in the area it serves, if that answers your question.

I would just like to add one thing. When you talk about money to provide services, you know very well that there is money, but it's hardly enough to meet day-to-day needs. A process like that one is a different story.

CO-CHAIR RENÉ DUSSAULT: Exactly. I'm very aware of the fact that the financial requirements to handle mental and physical health problems and social problems in the communities on a day-to-day basis far exceed the available funds.

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When a project like yours is added to the list, it's bound to create extra pressure. I was more interested in finding out if this was something similar to or really integrated with the people who provide these services on a daily basis.

MICHEL COUTURE: I would like to add in that connection that co-operation is something that people have been talking about in all the communities for a long time. I admit I have rarely seen true co-operation apart from empty chatter. In Manawan, for a year, workers have been doing a bit of work in their respective fields, but over the past year, the workers have developed true co-operation, real co-operation. Over the next few months, there will be continued reflection and more or better integration of each person's contribution in the fight against sexual abuse; there's the whole issue of the social and legal aspects, how to integrate them. The groundwork is being laid.

At some point, then, the task force is going to merge with nature because the tools and skills will have been developed and the community will continue on within its resources.

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CO-CHAIR RENÉ DUSSAULT: You said earlier that one of the objectives, probably the main objective, was reached, namely getting people to talk freely and publicly, and that certain techniques were used: plays, discussion groups, etc. Talking publicly and freely about sexual abuse . . . I remember when we had the hearing last year in Manawan, we held part of it in public and part of it in private with some groups, as we did in most communities in Canada.

Today -- I'm trying to see what has been accomplished -- if the Commission were to go back and hold the same type of hearing, would we be able to do it all freely and in public or would we again have to hold a session behind closed doors? I'm trying to get a handle on the progress that has been made in the past year in this regard, because you're right in saying that once people reach the point where they can really talk about abuse, abusers can begin to recognize that they have a problem.

Ms Niquay.

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DÉLIMA NIQUAY: I think there are some women who would be prepared . . . we saw in the report, they talk about it openly.

MICHEL COUTURE: Mr Chairman, I would just like to add that during the Saturday evening discussion, which drew 50 people, there were victims who came forward and identified themselves and abusers who came forward and identified themselves.

CLAIRE BROSSEAU: I'll be even more specific. If you consider how the testimony was given last year, I think that now, many situations, regardless of the problems in the community, would be discussed publicly as we are discussing it today.

CO-CHAIR RENÉ DUSSAULT: If that were the case, I think it's fabulous progress, and you deserve to be congratulated because, no question, because fear of reprisal is a problem in the communities, and people regularly said to the Commission, "You meet with us here for one, two, or three days, but after you leave we have to live with each other." This process allows us

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to manage interpersonal relations afterward and carry on this discussion.

PIERRE-PAUL NIQUAY: I would like to add one thing. We have been steadfast on one point, and we put a lot of emphasis on it; regarding the problem of violence and sexual abuse, we said from the beginning -- not only said, but recognized -- that it was not just an Aboriginal problem, but a human problem. The people in our community have come to understand this over the months, and that makes us very happy. That's why they can talk about it so freely.

CO-CHAIR RENÉ DUSSAULT: Thank you.

Ms Robinson.

COMMISSIONER VIOLA ROBINSON: [English]

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[English]

MICHEL COUTURE: The department that gave me that answer was Status of Women; that's the response they gave me at one point. We were looking for a way to access to the Department of Justice support program. When I mentioned to Status of Women that Aboriginal people were one of the target groups, they immediately replied that Aboriginal people were Quebeckers, there were cultural communities, and Aboriginal people had to meet the same standards as Quebeckers.

The question then is: if that's the way things are, why are Aboriginal people included as a target group under a program with objectives that directly concern them?

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That's what I'm wondering. I sense a bit of inconsistency between what is said and what actually happens.

On the other hand, the Quebec Department of Justice -- we will render unto Caesar the things which are Caesar's -- gave us a better reception. There are openings. There are people who seem a bit more interested. Yet when I look at the reaction from the Aboriginal affairs secretariat -- and I'm very surprised by that reaction -- they say the community should get involved. But it is involved. What more has to be done? Someone should give us the formula.

CLAIRE BROSSEAU: I would like to add something in that regard. I think it's a well-known fact that the attitude of some provinces, financially speaking, when it comes to projects or programs for Aboriginal people, is always to say, "First off, that's the federal government's responsibility." That's what it boils down to, I think, and that it's harder to get Quebec officials moving and involved because they want proof up front or a

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clear indication of the federal government's contribution, and then, maybe, they will be willing to help. I think that sort of explains a certain . . . what might be called "non-interest", but that's not really fair.

Secondly, what I want to say is that when we talk about the difficulty with grants, what we mean also is that the process taking place in Manawan is a holistic or global process.

I said earlier that sexual abuse is a problem, but the process is just as important; the process will eventually lead to the formation of a socio-legal committee to deal with other problems.

Today, present, if we look at the various government departments, whether federal or provincial, you know as well as I do that everything is compartmentalized: if you want to do that, you have to go here; mental health is there; social services are there. With a project like ours, it's very difficult and very costly to break it down and go all over the place knocking on doors.

It's a bit like what Michel was saying earlier when he spoke of perhaps having a mechanism

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or a sort of single window, I don't know, a committee, call it what you will, that would look at holistic approaches like that and would sort of be in charge of seeing what can be accessed.

MICHEL COUTURE: Regarding the difficulty in obtaining funds, I forgot to mention that we applied to the Quebec Department of Health and Social Services under the assistance program for community organizations. There is some interest, we sense some interest on the part of the department, but the problem is that they have to check the federal-provincial agreement with legal services.

But when you look through the health department's health policy, you still find Aboriginal people and family violence.

What is that? I don't understand what's happening. Why do they put them on one side and on the other side there are all kinds of obstacles, or what look like obstacles to me, anyway? I'm sure they have their reasons, but in the field, it has a different connotation.

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COMMISSIONER VIOLA ROBINSON: [English]

CLAIRE BROSSEAU: I think the priority is to address the social problems before even thinking about tackling political autonomy problems, and that was made very clear by the chief. I think that already gives you some perspective. As he says, it's always the ultimate goal, there are political concerns; that's what he's working with day in and day out.

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But one of the priorities for the chief and the council members, before even thinking about tackling much more specific problems of autonomy, political or otherwise, than individual autonomy and collective autonomy, is that the social problems that are ravaging the community have to be brought under control.

That is the road that according to the chief . . . and I will use his own words. The autonomy to deal with those problems is what will lead to full and complete political autonomy.

I don't think I am misquoting . . .

MICHEL COUTURE: In real terms, the task force has been working for more than a year. The band council told the task force at the outset that it was waiting for its recommendations.

The recommendations for action that have been made to the band council have all been accepted. Not one was refused. We must not get ahead of ourselves; we must take our time.

That's another feature; the whole process must keep pace with the normal course of events. It's important to allow time for the dust to settle. There is a process of reflection that has to be observed. But we've never been refused.

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When the band council accepted the action plan on June 30, they said the first meeting had to be postponed because there wasn't a quorum. Maxime will be able to elaborate on that, but he thought there might have been something about a lack of information, a lack of information to help the council understand the action plan. Talking about sexual abuse, talking about an action may mean referring to other experiences elsewhere where there was a lot of publicity about the legal aspect. If you hear about action being taken to deal with sexual abuse and what you remember is court action, there's bound to be some reluctance.

Maxime went through it personally. They went to meet with the people on the council to explain that they were not out to destroy anyone. They didn't want to destroy the abusers, they wanted to help them -- and the result was the Saturday evening discussion where abusers openly identified themselves -- so to keep pace, by giving people time to understand that no one is trying to destroy anyone. These are definite steps in that direction.

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COMMISSIONER VIOLA ROBINSON: [English]

CO-CHAIR RENÉ DUSSAULT: In closing, I would like to also point out that the Commission plans to present an interim report on family violence

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in the communities based on what we heard in the public hearings and also, in more general terms, on what people told us in the private sessions, in camera. What we hope to do in that report is not only describe the situation, the problem, but also provide direction, suggest ways of finding solutions, because that's the most important thing.

In this context, it is clear that a model like yours, the process you have undertaken -- and there are a few others in Canada -- will certainly serve as a sort of beacon lighting the way of the future. In that sense -- I wanted to share this with you because I feel it's important -- your work may have a greater impact than simply . . . in spite of the fact that it's very important for the community, but there are so many other communities, as you know, that are grappling with similar problems.

As to the issue of funding, what I can say is that the Commission will certainly try in its recommendations to indicate where funds should be directed in the future, because often the problem is that when requests and needs build up,

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there are so many, so many more on top of the existing ones, that it becomes almost impossible. These are difficult times, and even we looked at the thousands upon thousands of recommendations that have been made in all areas of Aboriginal affairs over the last 25 years and were struck by the fact that the vast majority of them called for funding, additional funding, often in bits.

When we look at that, we shouldn't really be surprised that not much is being accomplished or done, because governments are trying to cope with individual requests in a variety of sectors that are constantly increasing in number and are not part of an organized plan.

So what I can say at this point in time is that we will certainly do what we can to target things that have a good chance of working and that need to be emphasized and financially supported.

That's basically what we wanted to share with you this morning.

MICHEL COUTURE: Mr Chairman, could I have 30 seconds?

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CO-CHAIR RENÉ DUSSAULT: Yes, of course.

MICHEL COUTURE: We talked about the play being a trigger mechanism.

CO-CHAIR RENÉ DUSSAULT: Yes.

MICHEL COUTURE: On February 23, the play is going to be presented at the Joliette CEGEP for workers in the Lanaudière region, for social, legal and community workers. That is when judges will be invited. Everyone who has anything to do with Aboriginal people and the problems they encounter will be met, and the community of Manawan is going to meet the workers and say, "We're here, we've made it to this point, and we're moving in this direction."

This will be a very, very important activity in reaching out to others, because they aren't refusing to work with the others, they just want them to recognize that they're there. What I'm saying is that, on February 23, it will be a very important activity.

CO-CHAIR RENÉ DUSSAULT: I think it's doubly interesting. You are perfectly right in saying that the community

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has to reach out to people outside the community, because there are many services, whether in the area of justice, youth protection, etc, that come from outside the community. Cross-cultural communication and understanding are a constant challenge.

However, as I said before, it really surprised me. For once -- I think it was Ms [Niquay] who mentioned it -- there's a sense of working for the community, not the other way around. That's the goal you have to work toward, it's the only way it can be effective.

So, I thank you once again for making this report almost a year later for us on the Commission, and Ms Niquay, I'll give you what will perhaps be the final word in this morning's proceedings, but certainly not the final word in terms of ongoing contact with the Commission over the next year, which we will spend putting together all that we've heard and the results of our research programs to come up with recommendations.

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Ms Niquay.

DÉLIMA NIQUAY: I would like to say one thing briefly in closing.

We have talked on behalf of our community, our ancestors, our families, our children and our children's children.

We hope the attention paid by governments will be as great as their legislatures and that their understanding will be as great as our country and Mother Earth. Mee'Gwetch.

CO-CHAIR RENÉ DUSSAULT: Thank you.

Mee'Gwetch.

The Commission will take a break from its work, its hearings, until 1:30 this afternoon, when we will hear a brief from representatives of Concordia University.

Thank you.

--- Lunch break at 12:26 pm

--- Upon resuming at 1:40 pm

CO-CHAIR RENÉ DUSSAULT: [Bilingual greeting] [English]

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[English]

So again, welcome. Thank you. Rector Kenniff, perhaps I could ask you to begin by introducing your team before moving on to your presentation. Thank you.

DR PATRICK KENNIFF, rector and vice-chancellor, Concordia University: Mr Co-chair and Madam Commissioner, thank you. I was actually planning to begin by introducing to you the people who are here with me today.

I'll start with myself. My name is Patrick Kenniff. I am the rector of Concordia University.

[English]

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[English]

[English] Thank you.

The Commission will take a 15-minute break until 3:15 pm, at which time we will hear a brief from the Quebec human rights commission.

--- Short recess at 3:00 pm

--- Upon resuming at 3:15 pm

CO-CHAIR RENÉ DUSSAULT: We continue the hearing with a presentation from the Quebec human rights commission.

I would like to welcome its representatives and introduce Viola Robinson, who is the other commissioner here with me today.

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The Commission is holding hearings in three parts of the country this week; there is a group of commissioners in Ottawa and another group in Vancouver that will also be hearing briefs in Winnipeg and Toronto. That's why there are two of us here to listen to your brief and discuss your proposals.

Without further ado, I would like to ask you to perhaps introduce the representatives of the Quebec human rights commission and then continue on with your presentation. Thank you.

YVES LAFONTAINE, chairman, Quebec human rights commission: Thank you Mr Co-chair.

With me are Pierre Bosset and Pierre Lepage, a lawyer and a communications expert, educator, technologist, great friend of the Indians and Aboriginal people, too. The people who wrote this brief are with me also: Mr Dauphin, Mr de Kovachich, who is vice-chairman of the commission, and Monique Rochon, who is also with Communications at the commission.

I'll spare you listening to me read out the entire document. Also, I'm sure there are some aspects that the Royal Commission has already covered.

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In any event, you have already written a great deal on the subject and we agree with those views, so we won't dwell in the subject at this time.

This is an issue that struck me as technical, so you'll see that I'll be trying to stick close to the written brief because I'm not an expert on the issue.

First of all, I would like to thank the Royal Commission for having us and letting us express our views. This is an issue that, for me anyway, is somewhat difficult. However, we could not refuse to come and talk to you, given that coexistence and social rest are at stake. You will understand that at the time it was an opportunity we could not pass up, especially since the human rights commission was present in 1990 at the well-known incidents at Oka-Kanesatake and that the commission put a great deal of thought into its written brief.

I would still like to give you some background.

The human rights commission works to promote and ensure compliance with the principles in the Charter. Its primary activity is to investigate

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discrimination reported to us by complainants. We are also involved in setting up equal access programs, which of course include access to education, health services and jobs for Aboriginal people.

I would also like to mention in passing that the commission collaborates with the Laval University Faculty of Law, which now offers Aboriginal students who are going into law special preparation and a tutoring system that gives them the same access as White students. It's not in the brief, but we also deal with contract programs on a consulting basis, which means that now when the Quebec government awards contracts over \$100,000 to firms that have more than 100 employees, it has to set up equal access programs, and we are what you could call the government watchdogs and make sure that these corporations do these things.

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The commission also monitors compliance with Quebec laws, of course, with the principles recognized in the Charter.

In addition -- and this is something we are rather proud of -- the commission also handles information, education and research in the area of human rights, which also gives us some authority when we go before commissions like yours.

We know that the consultations you have carried out have contributed to the quest to find in conjunction with the key players solutions to four main issues: self-determination, self-sufficiency, relations between Aboriginal and non-Aboriginal people, and healing. We will attempt to deal with these issues in order.

We'll spare you an explanation of who the Aboriginal people in Quebec are. I imagine you're quite familiar with the situation in terms of locations, languages, etc. We would rather explain to you, by describing what we have done in the past, why the commission is interested in this issue.

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In 1975, when the commission was formed, its priority was to promote actions that recognized that Aboriginal people had the right to participate fully in Quebec society.

When we talk about Aboriginal rights, we always run into a problem with respect to the Charter, the issue of individual rights and the issue of collective rights. In terms of individual rights, Aboriginal citizens are considered to be the same as any other Quebec citizen -- that is, people do not have the right to discriminate against them -- but on the other hand, they are also not considered to be a minority and do not want to be considered a minority, and that's understandable, too. However, they do encounter prejudice as a community, and in that sense, there are problems; we talk about this on page 12. Applying the Quebec Charter with respect to the collective rights of Aboriginal creates a legal problem.

It is said that the reasoning behind individual rights and collective rights is the key element of the human rights problem. The rights of Aboriginal people as individuals and as

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peoples are a vivid example of this, since recognition of the collective rights of Aboriginal people is essential to recognition of their individual rights. For example, in 1978, the human rights commission made a declaration following the events at James Bay, the Malouf ruling, etc.

The commission also notified the government that there were clauses in the Agreement that ran counter to the Charter.

The commission went to the defence of the Aboriginal groups that had not signed the Agreement but whose land rights were extinguished without their consent. That was -- and still is -- the case, in particular, for the Montagnais in the Schefferville area, the Atikamekw, the Algonquin in the northwest, the Montagnais and the Inuit of Labrador, whose ancestral lands partly overlapped the territory covered by the James Bay Agreement.

In 1980, the commission released a study on the offensive way Aboriginal people were treated in many articles published in hunting and fishing magazines. The study was carried out after the commission received complaints that a negative and

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biased image of Aboriginal people was being portrayed, stereotypical and inaccurate generalizations were being used, and opinions were being expressed that marred the dignity, honour and reputation of Aboriginal people.

We thought that Aboriginal people were entitled to have serious information about them circulated and that the public had a right to rigorous analysis. The commission argued that the objective of seriousness and rigour could not be attained by ignoring all of the historical, legal and political disputes that dominate relations between Aboriginal people and Quebeckers, by hastily and shamelessly qualifying existing socio-economic conditions, or by simplifying and dramatizing matters to excess in some cases. The most relevant experience we had was of course in August 1990 when commission staff went and met with the Innu nation. There were eleven Innu chiefs in attendance, and it was a memorable experience for those who were there because there was immediate contact with the individuals themselves and with their families.

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It was immersion, if I can put it that way, in Aboriginal culture, and everyone who went -- I wasn't there because I was not with the commission at the time -- favourably impressed with what they learned.

One of the problems raised at that time -- and they were right to raise it because the territories are very large -- was the difficulty the Innu nation have settling the disputes that arise from province to province, because in some areas, the Innu straddle boundaries, between Quebec, Labrador and Newfoundland. This was a problem that we raised.

We believe it is urgent that the governments concerned, in consultation with Aboriginal people, ensure that the applicable laws are brought in line with one another. Even more seriously, statutes and regulations that directly affect the ancestral customs of Aboriginal people should certainly be reviewed, again in collaboration with the Aboriginal people concerned, especially statutes and regulations that pertain to hunting and fishing.

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Among the other actions we have taken, I would like to single out the commission's actions during the Oka-Kanesatake conflict. In a major report called "Le Choc collectif" [the collective shock], which is attached to our brief, we recommended that mechanisms for negotiating with Aboriginal people be reviewed, that dialogue between Aboriginal and non-Aboriginal people be restored immediately through education and information, and that mechanisms be put in place to prevent such conflicts from occurring again in the future. It seemed equally important to us that the Mohawks reach a consensus among Mohawks on their claims and who would represent them, and that weapons be laid down for good. We viewed this as a prerequisite for establishing a dialogue.

We don't have much to say about the right of Aboriginal people to self-determination and political autonomy. I believe we are in agreement with what the Royal Commission has already published; you'll allow us, then, to review the subject quickly.

You are already familiar with the Canadian perspective. I have a few comments I would like to make on the Quebec view of the subject.

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As you know, Quebec did not sign the Constitution Act of 1982. The Meech Lake Accord and the Charlottetown Accord tried to correct that situation. They failed, but Quebec none the less recognized Aboriginal rights in February 1983 and March 1985 by adopting 15 principles and a National Assembly resolution on the recognition of Aboriginal rights, principles and a resolution that today form the basis of the Quebec government's policy on Aboriginal people. Quebec adopted the principles in response to requests from the Quebec Aboriginal peoples' task force on the Constitution, requests that were made on November 30, 1982. The challenge now for the government and Aboriginal people is to incorporate the principles into reality through negotiation.

Quebec's Aboriginal peoples are recognized as distinct nations that are entitled to their own culture, language, customs and traditions and have the right to control the development of their own identity. These and other rights "must be exercised within Quebec society".

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Quebec is committed to working with Aboriginal people to ensure better recognition and a clearer definition of Aboriginal rights, a process rooted in historic legitimacy and the importance for Quebec society of establishing harmonious relations with Aboriginal people based on respect for rights and mutual trust. The Aboriginal nations are recognized as having the right to autonomy within Quebec. However, it is a right that is not inherent, as the Aboriginal people claim, but conditional upon negotiations.

We already touched on the difficulty in defining the concepts of people and self-determination in international law.

However, this must not stand in the way of implementing the right to self-determination of Aboriginal people in Quebec and the rest of Canada, even though the differences that currently exist between Aboriginal nations call for flexible and diversified application of that right.

The right to self-government is a corollary to the right to self-determination, which must be applied with the open-mindedness and flexibility that we just mentioned. The different forms that Aboriginal self-government may take will

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have to be dealt with in regional and local treaties. The political and economic structures that are put in place will have to meet the specific needs of the communities that ask for them.

Self-sufficiency now for Aboriginal people.

We believe it is deceiving to talk of autonomy and autonomous governments if Aboriginal people cannot obtain the means, especially the financial means, to ensure their autonomy and the conditions that are vital in securing respect for their rights and freedoms.

I would like to expand a little on the James Bay and Northern Quebec Agreement.

What we are told is that the situation has in fact begun to change in some communities. There are some experiments that have been successful, despite being somewhat flawed, because they are contributing to greater Aboriginal autonomy and self-sufficiency. The James Bay and Northern Quebec Agreement and the Northeastern Quebec Agreement are examples. Things have improved in many ways for the Inuit, the Crees and the Naskapis of

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Quebec because of these agreements. As we said, the Inuit submitted a regional government proposal that merits closer examination as a model that might inspire other Aboriginal nations.

That said, we are not ignoring the dissatisfaction Amerindians and Inuit have expressed regarding the James Bay and Northern Quebec Agreement. They rejected the model used to settle their basic or Aboriginal rights. The Quebec human rights commission, as I said, denounced this policy of terminating rights to a particular territory in return for recognition of new specific and limited rights. We still think this practice is contrary to the principle of equality in negotiations.

Share the land to ensure the future.

Mother-Earth for some, tamed land for others, Canadian and Quebec land is vast and generous. One group -- the Aboriginal people -- says they belong to the land; the other group, descended from the European colonists, says the land belongs to them.

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For both groups, however, it is an inescapable fact: without land, there can be no survival or development in any sense of the terms. From a human rights standpoint, this fact is the very genesis of the conditions that have to be put in place so that all human beings, born equal, can exercise their rights to life, security and dignity and can live free and responsible for themselves.

In Canada and in Quebec, one group lived on the land before the other and were dispossessed, reduced to a state of dependence that, more often than not, prevented them from ensuring their future and the future of their children and their people. We can't rewrite history, but together we have the power to change where we're headed.

The Quebec human rights commission is convinced that, without joint use of the land, there can be no Aboriginal self-sufficiency or respect for their basic rights. We are also convinced that, out of mutual respect, it will be impossible to reach this goal through what is more like bargaining than a genuine desire

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to share resources in order to meet the most basic needs of all the people who live here.

We aren't experts in economics and would be wrong to suggest otherwise. We know, however, that the resources are there, especially the human, materiel, and financial resources, to clear the way for solutions and lead to changes that will eventually lead to Aboriginal people becoming self-sufficient.

But we suggest that this goal cannot be achieved unless there is clear political will to change the rules and send out signals that will spark a profound change in our way of thinking.

In order to do this, we will first have to recognize the ability of Aboriginal people to guide and oversee their own development and in so doing agree to negotiate as equal a way to share our vast resources.

All avenues will have to be explored to ensure Aboriginal self-sufficiency, but it has to be done with them, not for them, as in the past.

Relations between Aboriginal and non-Aboriginal people are not great.

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The relationship has become a daily concern for Aboriginal and non-Aboriginal people alike. Newspapers, television and radio report situations day after day, sometimes dramatizing them depending on the commentators' mood, where the often-strained relations between the groups come into play. Open-line program hosts are not afraid of escalating the tension; opinion leaders aren't either. The resulting aggravation of latent racism is most certainly responsible for the deterioration of the social fabric that is a real threat today.

In the past, events such as the salmon war in Restigouche in 1980 began to taint the relationship between Whites and Aboriginal people in those days but did not diminish to any great extent the empathy the majority felt for Aboriginal people. Recent events, however, which drew heavy media attention, have pushed the latent disputes into the limelight. For example, the Oka-Kanesatake conflict revealed a lack of understanding of the history, claims and rights of Aboriginal people.

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We believe there is a gap that has to be bridged, because a gap has definitely has been created.

Resolute in affirming and securing respect for their rights, Aboriginal people have begun to use international forums when necessary to denounce situations that they feel deny their identity and their rights. This is the way Aboriginal people criticize White governments for having often dealt with them using a fait accompli policy. They say that's what happened with hydro-electric development in Quebec, which was initially undertaken without consulting those whose lives and customs on their ancestral land were to be disrupted by megaprojects.

They also feel that laws and regulations on wildlife protection, hunting and fishing, which were established without them and without considering their history and their customs, make them look like criminals when they hunt or fish on their own land today as they have always done.

It serves no purpose to dwell on the complaints. Non-Aboriginal people have complaints, too. Whites claim

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they are repulsed by the actions of some people -- for example, using weapons, erecting barricades and roadblocks, dealing in contraband cigarettes and alcohol -- and those people are not open to even the most moderate expression of the aspirations of Aboriginal people and consider them all to be lofty, violent and racist.

Largely unaware for the most part of the special situation created by the Indian Act, many people think Aboriginal people exploit the system because they do not pay income tax or other taxes on reserves. Equally intent on preserving their way of living, non-Aboriginal people, with little or no awareness of what they mean, fear that Aboriginal claims, especially land claims, will hinder Quebec's economic development. They don't take well to the bad press Quebec gets around the world.

Given the right information, non-Aboriginal can understand the legitimacy of Aboriginal claims. What is shocking is that the expression of these claims is perceived as extreme, aggressive and

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sometimes violent. However -- and this is my point -- where does this excessiveness come from? Is it not a response to what might be called institutional inertia?

These are relatively recent facts that have contributed to a negative perception of Aboriginal people by a significant proportion of the non-Aboriginal population. Even though this perception is not universal, corrective measures still have to be found in order to create an atmosphere more conducive to peaceful co-existence with Aboriginal people. Action will have to be taken to provide non-Aboriginal people with all the information needed to ensure that they have a fuller understanding of the whole situation and to create conditions for a true dialogue.

As for the relationship between Aboriginal people and Whites, the solutions being sought by your commission will undoubtedly eliminate some of the liabilities.

We should put forward a new code of ethics in negotiations.

We are quite aware that

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negotiations are going on with Aboriginal people, that the mechanisms supporting them are in place. We are aware also that Aboriginal people are not happy with these mechanisms. Negotiations are long, costly, exhausting; demanding to the point where they sometimes cause dissention among the Aboriginal people themselves.

In the quest for the equality laid out in the Charter of Rights and Freedoms, we believe that these mechanisms have to be reviewed, that a new code of ethics in negotiations with the Aboriginal people has to be developed that would do away with what is clearly an uneven balance of power because the federal government makes up the rules and is both judge and participant in the negotiations.

This new code of ethics in negotiations must be based on a fair and shared perception of the history of Aboriginal people, the history that is shared by Aboriginal people and European settlers, and knowledge of and empathy for the culture, customs, and legal systems of both groups; a code of ethics based on a plan to work together in building a society, a plan that would give Aboriginal people the chance to take their place and their land,

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that is, the place and the land that would enable them to live in dignity as peoples, as nations.

We feel strongly that political leaders, Aboriginal and non-Aboriginal alike, must do their utmost to encourage this new type of relationship and convey the common message that this is the direction that has to be taken. If this vision is clear and clearly expressed, it will have a spin-off effect that we hope might guarantee the success of all the other grassroots initiatives, because there's work to be done there as well.

We propose to encourage reconciliation initiatives. It is urgent that we encourage both technically and financially local and regional initiatives that aim to bring Aboriginal and non-Aboriginal people together. We have to draw on the creativity of citizens, non-governmental organizations in particular, to establish contacts and arrange meetings and exchanges, especially in regions where Aboriginal and non-Aboriginal people live side by side, but in other places, too. Aboriginal people should

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continue to be involved in this process, making suggestions and proposals, piloting initiatives to bring the two groups closer together.

Turning to the involvement of the media . . .

In this era of communications, the media have a key role to play. The public's right to information demands that the media report the facts, all the facts, about situations they consider to be of interest. This right and the freedom of the press that makes it possible are fundamental principles of democracy. However, here as elsewhere, the ethics of communication set guidelines that must be respected. But when ratings and readership become more important than the news itself, to the point that information is used to increase tension between groups, the public is within its rights to criticize. The public is also entitled to appeal to the sense of ethics that should prevail in the world of information.

Now, what can the commission do?

Your commission has already received suggestions that are likely to "create a new relationship between Aboriginal and non-Aboriginal people". We are familiar with your document "Focusing the Dialogue" and we support it wholeheartedly.

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The Quebec human rights commission is itself engaged in cross-cultural education and training activities and the fight against racism and discrimination. It is also involved in community conciliation and mediation activities in an effort to bring the parties in these conflicts closer together.

One of the most recent conflicts we were involved in was when American Buddhists went to the North Shore to join "traditionalists" who were demonstrating against the damming of the Sainte-Marguerite River. The tension between the two sides had been escalated by the media. Commission employees became involved and tried to ease the pressure, and in the end the situation was resolved. The parties involved realized that things had perhaps become heated, it calmed down and the crisis was resolved.

The fact that we are here today is proof of our desire to pursue this commitment to equality and respect for rights.

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The healing process . . . two paragraphs.

We believe the Aboriginal people's healing process is largely a self-healing process in that it essentially consists in Aboriginal people regaining their dignity and pride.

What we believe is important is to begin the process of healing the relationship between Aboriginal and non-Aboriginal people. The key to healing is to establish new relations based on recognition and mutual respect. We have tried to outline the principles that will lead us in that direction.

Conclusion.

A new attitude.

It is apparent given the importance of the Aboriginal issue in Canada and Quebec that a realistic attitude must be adopted that takes all of the aspects of the issue into consideration. Indifference, exaggeration, guilt and arrogance are certainly not attitudes that should be encouraged in this matter.

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We want to make this clear because we are convinced that people's attitudes are a determining factor, a catalyst for solutions, especially since the charters of rights and freedoms state that the principle of respect for human dignity is the basis of a free and democratic society and call upon the will of society as a whole to recognize and apply that principle. The attitudes that have to be developed are important, to be sure, but it is also important to change the structures in society that are laden with systemic discrimination. Systemic discrimination is what Aboriginal people have had to put up with.

Any observer, no matter how well informed, can see that we are dealing here with an issue that is in the works, an issue that to date has called on the services of experts in many disciplines. Your commission has consulted these experts.

To inform, to educate.

The task now is to get as many of our fellow citizens as possible interested in the Aboriginal issue. This is

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a priority. Because changes are needed, changes in society and such changes are often seen as a threat, it is crucial that we inform people, raise their awareness and educate them. Your commission has gathered material on the Aboriginal question that is rich and diverse, and we should make the most of it; the material should be widely disseminated and made available to individuals, groups and organizations that could pick up on your efforts to circulate information, encourage reflection and spark fruitful dialogue in the education, labour and community sectors.

Human rights must be reaffirmed.

Self-determination and political autonomy are complex issues. We know it and you know it. They mean different things to different peoples, different nations, different communities. Every people, every nation, every community has to be respected right here. Self-determination and autonomy can be achieved to varying degrees and based on different models.

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We therefore have to make sure that we don't propose only one method and instead adjust to the demographic, territorial and other conditions of the various nations, but above all what they say they want. The draft Nunavik constitution is an example of this.

In modern societies like ours, where the political, legal and economic systems are very much intertwined, only negotiation that is based on mutual respect should result in solutions that are satisfactory for all concerned when it comes to self-determination, political autonomy and joint use of resources.

There is no question that changes have to be made. The dependence of Aboriginal people should soon be a thing of the past. The transition, the passage to various forms of Aboriginal self-government should be made smoothly, certainly in compliance with existing laws and in such a way as to ensure that, under both systems, human rights and freedoms are guaranteed and protected. The harmonization of the Canadian, Quebec and Aboriginal jurisdictional systems should be based on international and national experience in recognizing and protecting human rights.

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The legal or other measures that do the best job of ensuring the recognition and application of these rights should be given preference.

And finally, we would like to stress the importance of setting up negotiation mechanisms and mechanisms for managing and resolving conflicts that respect the equity of all parties and are perceived as doing just that. We need credible institutions in which Aboriginal and non-Aboriginal people alike will sense, indeed believe, that there is real sharing between equal partners that respect one other.

We therefore recommend that:

- recognition of the historical and systemic discrimination against Aboriginal people must be the foundation for government policies and economic and other measures designed to rectify the situation;

- legal mechanisms must be established where there are none to create special programs for Aboriginal people; special programs that permit positive discrimination, which means that in order to counter past discrimination, such programs must be permitted and they would not be considered discriminatory;

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- recognition of the right of Aboriginal nations to self-determination and political autonomy must be explicit in fundamental Canadian and provincial laws;

- provincial legislation concerning Aboriginal people must be co-ordinated when the geographic situation requires, for example, for the Innu of Labrador;

- statutes and regulations that affect the ancestral activities of Aboriginal people must be passed or reviewed in consultation with them;

- in the area of land and natural resource development, fait accompli policies and the prior extinguishment of rights must be done away with once and for all;

- a new code of ethics in negotiations must be established based on mutual recognition and respect;

- it is imperative that more information be made available and as many citizens as possible be made more aware of the real significance of Aboriginal issues in Canada and Quebec and the stakes involved.

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In closing, I would like to point out that none of this will be possible unless all levels of government show the political will to settle as quickly as possible and with respect the disputes that undermine the relationship between Aboriginal and non-Aboriginal people.

That's all I have to say. Thank you.

CO-CHAIR RENÉ DUSSAULT: Thank you, Mr Chairman, for your brief. I think it's an important brief. The Royal Commission on Aboriginal Peoples in Canada has had the opportunity to hear a number of briefs from provincial human rights commissions across Canada as well as from the Canadian Human Rights Commission.

You are no doubt aware that the Aboriginal issue is closely linked to a growing concern for human rights not only in Canada, but in other countries as well. The whole debate over self-government around the world essentially reflects a concern

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for respect for human rights and the need to recognize collective rights so that individual rights can be respected.

My first question -- and what I'm really after from your organization is a clarification -- pertains to the right to self-government. Much has been written about this issue since the Constitution Act, 1982 was passed, section 35 of which recognizes existing treaty and ancestral rights. The entire debate during four constitutional conferences was over whether these existing rights included the right to self-government. No agreement could be reached. There was the debate over the Meech Lake Accord, in which Aboriginal people were obviously not participants, and the debate over the Charlottetown Accord, in which the main idea was to make explicit what some felt was implicit in the phrase "ancestral treaty rights, existing rights".

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In August, the Royal Commission published a document that you are familiar with called "Partners in Confederation" that basically said there is reason to believe, for historical and legal reasons, that the right to self-government is set out in section 35. We hasten to add, of course, that only the Supreme Court of Canada can say this for sure.

I'm trying to see if you take a position on this in your brief, and if so, what that position is. When the Quebec commission talks about the right to self-government . . . you said at one point that you weren't going to spend much time on this issue because you agreed with the Royal Commission's views. Do you have a position on the issue of whether self-government is an inherent right or a right conditional on negotiations, as indicated in the Quebec National Assembly's 1985 declaration of 15 principles?

YVES LAFONTAINE: I'm going to ask Mr Bosset from Research, who is a lawyer and has examined the issue, to answer for me.

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PIERRE BOSSET, legal counsel, Quebec human rights commission: Thank you.

Since 1981, the commission has been in favour of including in the Quebec Charter of Rights and Freedoms one or more clauses that recognize Aboriginal rights. In 1981, we took part in a parliamentary committee in Quebec City on proposed changes to the Quebec Charter, and one of our recommendations was that Aboriginal rights should be included in the Quebec Charter, the idea being that Aboriginal people cannot be considered a minority within the meaning of an existing section of the Quebec Charter, section 43, which refers to the rights of ethnic minorities.

This is still the commission's position 12 years later. We made the same recommendations in 1990 to the Bélanger-Campeau Commission. We did not specifically address the issue of whether these rights were inherent, but the fact is they are emerging around the world, and for us it's a matter of basic human rights.

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I therefore believe that, since 1981, the commission has been steadfast in its position that Aboriginal rights should be recognized in the Quebec Charter. There are several ways of doing this. For example, we could recommend that these rights be expressly recognized in the preamble to the Charter, in a special whereas clause in the preamble. We could also use a clause similar to section 25 of the Canadian Charter of Rights and Freedoms, which, as you know, states that the fact that the Charter guarantees certain rights and freedoms cannot be interpreted as denying treaty rights or other rights and freedoms of Aboriginal people.

CO-CHAIR RENÉ DUSSAULT: Thank you.

I understand from what you just told us that, for now, the commission essentially supports the argument that the rights must be recognized in the Quebec Charter of Rights and Freedoms. I think you know the debate goes further than that. The issue in the debate that took place during the negotiations leading up to the Charlottetown Accord was whether recognition of those rights in the Canadian constitution at that point in time would be a

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confirmation of rights that had always existed or whether they would be established for the first time, whether they would be created for the first time?

Obviously, the position of the Aboriginal people of Canada is that they are not looking for a clause in a charter of rights or a constitution that would in effect create these rights for the first time. What they want is confirmation of rights that have always existed.

It is certainly a difficult problem, which is why we tried to move ahead on the issue and encourage discussion with the document "Partners in Confederation". As the preface says, the hope is that there can be a legal and historic debate.

I'm sort of putting the ball back in your court.

I understand what you just told us, you don't go so far as to say whether the inclusion of these rights in a Quebec charter should be recognition of rights that have always existed or creation of new rights for the first time. You haven't gone beyond that stage in what you've told us to this point.

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PIERRE BOSSET: Not in so many words, but the whole philosophy behind the inclusion of rights and freedoms in charters is not that charters create rights, but that they recognize the existence of rights. Implicitly, I think we are in favour of a position whereby the rights and freedoms of Aboriginal people, like those of others, are rights that exist regardless and that it's a matter of entrenching so that they are better protected.

CO-CHAIR RENÉ DUSSAULT: Listen, I understand that the notion of individual rights and the notion of collective rights, when they are entrenched in charters, can be dealt with differently or in the same way. I would just like to put in a little plug and say we are interested in that issue, which is fundamental for Aboriginal people in Canada and also for the general public, being the subject of discussion and debate.

Once again, if, over the next few weeks or months, your commission gets a chance to give any more thought to whether or not the rights are inherent in the present constitutional

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framework, we are obviously interested, because that's why we published that document. The position we took is that we believe there are important reasons for that to be the case. I presume that this is more or less similar to the position of your commission. Is that what you've told us?

PIERRE BOSSET: Yes.

CO-CHAIR RENÉ DUSSAULT: Good.

I would like to bring up another issue that you discuss on page 40 of your brief on the Charter of Rights. One of the debates that took place during the negotiation of the Charlottetown Accord concerned the application of the Canadian Charter of Rights and Freedoms to future autonomous Aboriginal governments. That debate gave rise to a discussion of an Aboriginal Charter of Rights created by Aboriginal people with Aboriginal values.

At the bottom of page 40 in your brief you said:

[Translation]

"The transition, the passage to various forms of Aboriginal self-government should be made smoothly, certainly in compliance

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with existing laws and in such a way as to ensure that, under both systems, human rights and freedoms are guaranteed and protected."

My question is this: Has the commission begun thinking about the possibility of an Aboriginal Charter of Rights that would parallel the Quebec Charter of Human Rights and Freedoms?

In your brief you talk about a void, a sort of vacuum, where the Charter of Human Rights and Freedoms does not cover Aboriginal rights, unlike the Charter of the French Language, for example, which contains a clause on the use of Aboriginal languages.

But I'll take this a step further and ask you -- because this is something people are thinking about across Canada and it's hard -- whether you've looked at or plan to look at the

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possibility of a charter of human rights that would be Aboriginal and would parallel the Quebec Charter, that would take into account Aboriginal values and still meet the basic criteria of a free and democratic Canadian and Quebec society.

YVES LAFONTAINE: No work is being done on the subject at present. It's not something we've given a lot of thought to. Nor would I dare give a personal opinion.

PIERRE BOSSET: Perhaps I could add that in the Nunavik draft constitution in northern Quebec, you probably already know that there's a section in the draft constitution that deals with rights and freedoms. Personally, I don't see any conflict between the provisions in this Aboriginal Charter of Rights and those in the Quebec Charter or the Canadian Charter provided it is explicitly recognized that the Canadian and Quebec charters will continue to apply to citizens who live on land that will one day be autonomous and that the Aboriginal charters will in the end simply complement the clauses that already exist in the Canadian and Quebec charters.

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CO-CHAIR RENÉ DUSSAULT: Something like the provincial charters in relation to the Canadian Charter.

In two weeks time, the Nunavik Group will be here in Montreal to make a presentation, and we will certainly have a discussion with them.

In the same vein, I would like to comment briefly on the declaration that Quebec made, the declaration that the Quebec National Assembly made with respect to the 15 principles in 1985.

This declaration was obviously unilateral in the sense that it was made by the Quebec National Assembly. We can liken it to what Ontario did on August 6, 1991, when Premier Rae made a declaration of Aboriginal political rights that was a negotiated declaration.

My question to you is this: In your brief, when you talk about the Quebec National Assembly, for example, inserting these principles into the Quebec Charter of Human Rights and Freedoms or making another similar declaration, what is your opinion regarding the possibility of having a declaration of human rights that

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would be negotiated and therefore would be made jointly by Aboriginal people and Quebec civil authorities?

PIERRE BOSSET: Once again, that's something the commission hasn't thought about specifically, but again I believe that the spirit of the commission's brief is that issues like this have to be negotiated and provided an agreement is reached, the commission can only react favourably to that kind of outcome.

YVES LAFONTAINE: The spirit of the brief suggests that whenever two nations are involved, they must be able to sit down together so that they can discuss the issue if they wish to get anywhere, because they're on the same land regardless and are destined to live together; so why wouldn't it be negotiated amid respect between equals. That's the idea underlying the document.

CO-CHAIR RENÉ DUSSAULT: Essentially, the issue is seeing how the outcome of the negotiations can be expressed when there are autonomous Aboriginal governments with Quebec.

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That's when we get into the whole debate over the parallel Aboriginal Charter of Rights, which is a bit like the situation of the provinces relative to the federal government.

The extinguishment of rights clause is another issue. You take a fairly clear and firm position in your brief that the clause is not acceptable in land claim negotiations. The federal land claims policy may have changed in recent years, but it essentially provided a mechanism for extinguishing rights, and that's one of the reasons why there was so little progress on land claims for a long time.

I know it's a very complex and technical issue, but I'm going to go out on a limb and ask about it anyway, because we are currently working on it to find alternative solutions, to determine how to offer the legal security the parties are looking for in land negotiations without forcing Aboriginal people to extinguish their rights to large parcels of land or their potential rights.

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Have you done any work on this or do have you any additional thoughts on the technical side of it that you could share with us?

PIERRE LEPAGE, education officer, Quebec human rights commission: With respect to the extinguishment issue, we had an opportunity to express our ideas on the issue a bit in 1986 when a coalition of Aboriginal organizations in Canada that was involved in negotiations with the federal government launched a campaign to get the federal government to adopt the Coolican Report. At that time, we reiterated our position to the Quebec government and asked it to promote our positions in its discussions with the federal government.

I believe what we said at the time was that there were many things in the Coolican Report that we were very pleased with and there were a certain number of alternative proposals. I think in that sense we were in favour of it.

We haven't developed any specific expertise on anything that would specifically be solutions.

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I'm not sure it's up to us to do so. I believe the commission often contemplates the principles in negotiations; for example, I don't think it's our place to determine what content would make agreement or a treaty acceptable. I think it's up to the parties involved to set the ground rules.

But I think the commission stayed closer to the principles. From the commission's standpoint, it seemed to us that behind this extinguishment procedure there was really an obstacle, there was really undue pressure. It seemed to us that the Aboriginal people were even being forced to extinguish their rights. Recognizing their traditional rights wasn't even an issue. We didn't see how this was compatible with equality in negotiations, and I think that that was where we concentrated our reflection.

CO-CHAIR RENÉ DUSSAULT: Thank you.

I think your basic position is clear. In this issue, the Royal Commission has found ways and we are being a little bit selfish with our questions this afternoon; we're trying to get

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as many ideas as we can so that we can really tackle some issues that are very difficult, including on a technical level.

I was intrigued by the part of your brief that dealt with a proposal for a new ethic of ethics for negotiations.

I would, however, like to perhaps raise the underlying question. Aboriginal people in Canada tell us, "The balance of power must be reversed or we will never be able to negotiate as equals." This often leads to fairly strong positions, positions that can sometimes seem extreme, to say that you really have to go to the other extreme and start again with a position of strength, whether you are talking about land claims or discussions on self-government. For example, the existence of inherent rights, the whole question of determining whether the Crown's basic position through the different provinces is, "All the land belongs to us. Now, let's talk about what we can do to accommodate you." . . . obviously, the governments always start from a position of strength. So the Aboriginal people say to us, "There has to be another way."

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You tell us to reverse the balance of power, you tell us that a new code of ethics could do that. My question, and certainly many Aboriginal people in Canada would ask the same thing, is this: How do you establish a new code of ethics that to some extent restricts the government so that the parties can really start negotiating on equal footing? I think it follows that there is certainly some scepticism given what has happened in the past. That probably stems from the change in attitude you refer to later on in your brief and a different view of things.

I would like you to elaborate a little more on this concept of a new code of ethics in negotiations and how it could really create a more normal, more equal balance of power between Aboriginal people and the various governments in Canada.

YVES LAFONTAINE: I think governments are restricted by the laws they can pass, and more and more, governments are restricted by international declarations and pacts that they

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can sign. Between nations, perhaps that would be one route to explore.

Ms Daes (PH) is currently working on that, and my impression is that it's because of international pressure, no more, no less, that if Canada wants to be seen as a country that treats its minorities well -- and I think it's in its best interest to do that -- then perhaps it will sign an international agreement that will become binding if it becomes a pact and it becomes applicable.

I think the latest development in Aboriginal issues, it's perhaps moving in that direction, because a government does not reduce its powers spontaneously; there has to be an external reason; it may be international pressure, with the pacts that are negotiated, in which each party, I presume, included what it wanted out of the negotiations. That would perhaps be a way of ensuring at least the appearance of a more equal relationship, but more thought has to go into it.

PIERRE LEPAGE: The first declaration we made on Aboriginal land rights was in 1978. It must be understood

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that at that time there was nothing in the Charter; there was no mention of Aboriginal people anywhere. The commission had to decide where it stood in terms of the status of Aboriginal people. The commission immediately declared them to be distinct peoples, not ethnic minorities within the meaning of section 43 of the Charter.

We had just been through James Bay -- James Bay I -- and we were hoping that some practices would be reviewed. As you know, the work there began before the claims were settled, which in some cases put undue pressure on the Aboriginal people in terms of the outcome of negotiations.

I think that surrounding the discussions about James Bay hydro-electric development, what we can see, is that there was an unequal relationship where people, in particular the Crees and the Inuit, were told that if they didn't sign, there would be no settlement of claims. In one of our documents, we refer to the fact that the attitude of the Quebec representatives at that time was perhaps no different than the attitude of some treaty

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commissioners who said that people who refused to sign an agreement would be deprived of the benefits of the agreement.

So I think that on this ethical question, for example, the agreement not only extinguished the rights of the signatories, which might be considered acceptable, but also the rights of all the Aboriginal people who claimed they had rights to the land in question. We don't think that's acceptable from the point of view of the principle, I think, of consent found in the Royal Proclamation of 1760.

I remember that at the time, in the debates between Quebec and the federal government over the legislation passed to implement the James Bay and Northern Quebec Agreement -- Bill C-9 federally and Bill 35 provincially -- the federal government seemed to be prepared at one point to review the principle whereby everyone's rights had to be extinguished and the rights of third parties had to be protected. According to the documents I recently reviewed, it seems that the requirement to extinguish not only the rights of the signatories but also the rights of all Aboriginal people was imposed by Quebec itself. Quebec was the one that wanted that clause.

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So now, here we are more than 15 years after the James Bay Agreement was signed with Aboriginal nations that carried on traditional activities on the land around James Bay and now find they don't even have legal recourse to express their views.

I don't think we should start that up again. For us, it was an example that is unacceptable. People have to take part . . . the very notion of a treat, the very notion of an agreement, I think, leads us to informed consent.

All the negotiations surrounding the James Bay Agreement left a bitter taste in our mouths because there was so much pressure that there seemed to be no equality in the negotiations.

All you have to do is remember the appeal court ruling that reversed the Malouf ruling, which I recently had a chance to read again. I must confess that, personally, -- I don't want to speak for the commission -- I think it's a sad moment for minority rights in general because that ruling gives little consideration, in my opinion, to Aboriginal life or to the fact that that land is their homeland.

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I don't want to stir up any controversy over certain court decisions, but I would say that it's part of what some people referred to at the time of James Bay I as a sort of political and legal hype where there was an economic development project that was sold to the public in advance and, in that context, the Aboriginal people who opposed it came across as local nuisances. I don't consider this acceptable. I think it shows a lack of respect for people who have been living there since time immemorial.

It must be remembered that Quebec was at that time a newcomer in the north. We hadn't been there for 300 years; I think that Quebec first became interested in developing the north in the 1960s.

So this is more or less what we mean when we talk about ethics.

CO-CHAIR RENÉ DUSSAULT: Thank you.

I know that in your brief you say, for example, that some of the peoples that did not sign the James Bay Agreement, such as the Innu and the Montagnais, could have claims to the

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land covered by the agreement and that they were not consulted when the negotiations took place, but I would still like to get back to your proposal for a new code of ethics. If, for example, the Royal Commission had to recommend the establishment of a new code of ethics in negotiations, in real terms . . . and I know this is not an easy question, but essentially, what I'm trying to verify is the credibility of such a proposal, such a recommendation. How could we be assured in real terms that there is some tooth or control to ensure that the governments do indeed adopt a new code of ethics?

I believe that you said, Mr Lafontaine, that it would probably have to be done through a Canadian international framework that Quebec would be part of, where restrictions would be imposed on what approaches could be used by accepting certain international conventions, and that would therefore offer some guarantee that the new code of ethics would be developed and put into practice.

Is that what you more or less told us?

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YVES LAFONTAINE: Yes.

CO-CHAIR RENÉ DUSSAULT: Fine.

I have perhaps one last question. Aboriginal leaders in Quebec have always been concerned about Aboriginal rights but are perhaps even more concerned now given the possibility of Quebec independence. People talked to us about this in May; it was raised by the Assembly of First Nations, the Crees.

Has the human rights commission begun any research on this issue? I know it's a sensitive and difficult issue.

YVES LAFONTAINE: I'll let our expert answer that, because I would just as soon not to talk about the political side.

PIERRE BOSSET: That goes for me, too; I'm speaking in legal terms, of course.

CO-CHAIR RENÉ DUSSAULT: Exactly.

PIERRE BOSSET: The commission has not taken a position on this for obvious reasons, but in 1990, at the time of the Bélanger-Campeau Commission, the commission stated in its brief that if Quebec, as part of Canada or otherwise, ever decided

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to adopt a written constitution -- and it can do it in the context of the Canadian federation regardless -- if Quebec ever decided to move in that direction, the Quebec Charter of Human Rights and Freedoms as it currently exists would have to be entrenched in the constitution. Would the entire charter have to be entrenched? Would the status of the human rights commission as an institution also have to be entrenched in the constitution? These aspects were not examined, but it was obvious that the substantive rights and freedoms, the rights guaranteed by the Charter, would have to be included in any written constitution. This of course includes any future rights that instead of being recognized could be acknowledged in the Quebec Charter.

CO-CHAIR RENÉ DUSSAULT: Very good. I think your answer is clear.

I would like to ask my colleague, Viola Robinson, who no doubt has some questions herself, to ask her questions. Thank you.

COMMISSIONER VIOLA ROBINSON: [English]

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[English]

CO-CHAIR RENÉ DUSSAULT: Thank you.

I would like to thank you, then, for your presentation. I think it's an important gesture for our Commission.

It's certainly very helpful for us to have access not only to your brief and your latest views, but also to the supporting material, particularly your paper we read, "Le Choc collectif", which your commission released following the events of the summer of 1990. When I read it again last night, I couldn't help notice that there wasn't much follow-up to the document and the proposals you made at that time.

In a nutshell, this is an issue we have to come back to time and time again, this issue of the relationship between Aboriginal people and the provinces and the federal government. As we say to other organizations and groups, we are interested

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in hearing any other suggestions or thoughts on the Aboriginal issue over the next year, because again it's a difficult issue that we all must come to terms with.

But we know that human rights commissions have an extremely important role to play, not only with respect to principles, of course, orientation or direction, but also in helping the public gain a better understanding of what is at stake. In that sense, we are extremely pleased to have had the opportunity to meet with you today during this fourth and final round of public hearings.

YVES LAFONTAINE: Thank you, Mr Co-chair, Ms Robinson, thank you very much.

CO-CHAIR RENÉ DUSSAULT: The Commission adjourns its hearings until tomorrow morning at 9 am. Tomorrow will be devoted primarily to health and social services. We will hear presentations from the Corporation professionnelle des médecins du

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Québec, the Association des hôpitaux du Québec and the Ordre des infirmières et infirmiers du Québec, to name the main ones.

So we will meet again at 9:00 tomorrow morning.

Thank you.

--- The hearing adjourned at 4:40 pm,
to resume at 9:00 am, Tuesday,
November 16, 1993.